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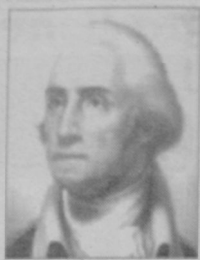
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## Prominent International Jurist to Headline Graduation

Thomas Buergenthal, a Holocaust survivor and former GW Law Professor, now sits on the International Court of Justice.

By JONATHAN HALL BACKENSTOSE  
Staff Writer

Graduating law students have been anxiously awaiting the announcement of this year's commencement speaker. Last Tuesday, Dean Young sent a lengthy letter announcing that Judge Thomas Buergenthal will speak at the 2004 commencement ceremony. Buergenthal currently sits on the International Court of Justice and has been praised by administrators and faculty; but the announcement has received mixed reviews from students.

"He's one of the most impressive international lawyers in the world," said Professor Sean Murphy. Buergenthal spoke at Murphy's International Organizations class last Thursday and noted that he enjoys coming back to GW, having taught here for years before taking his position at the Hague in 2000. Since early in his academics, he has been interested in international and human rights law and published his first article on international human rights in 1963, a topic he reports was viewed by his colleagues at the time as not worthy of scholarship.

At his May, 2002 commencement speech at American University, Buergenthal emphasized the importance of international law.

Dean Tom Morrison noted that Dean Young takes the selection of the commencement speaker as a "personal goal every year - he starts immediately after graduation. He is always working on it." Morrison further noted that the selection procedure includes a meeting between Dean Young and the SBA President to take SBA recommendations on the commencement speaker into account. Unfortunately, most requests of the student body are difficult to fill. "The more prestigious the person, the greater the chance of a conflict so that becomes part of the equation," said Morrison. "To get the caliber of speakers we get, it has to be a one-on-one negotiation."

As documented on the SBA website, the top seven student choices for graduation speaker this year were Bill Clinton, Justice Breyer, Justice Stephens, Hillary Clinton, Justice Kennedy, John Ashcroft, and Justice Thomas. The administration, said Morrison, was unwilling to comment on whether anyone other than Buergenthal had been invited. The SBA website indicates that Justice Breyer and Secretary of the Treasury John Snow had been in the running.

Past commencement speakers include Justice Sandra Day O'Connor of  
See **SPEAKER** page 6

### Thomas Buergenthal At A Glance

1934 Born in Lubochna, Slovakia

WWII Survived Auschwitz

1951 Came to U.S.

1960 Graduated from NYU Law School

1975-85 Taught at U. of Texas; Dean at American University's Law School

1988 Began teaching at GW

1995 Joined UN Human Rights Committee

2000 Appointed to ICJ



## Hot Bench Highlights Van Vleck Finals

By ALEX SAUNDERS  
News Editor

Poignant questions and challenging comments from a distinguished panel of judges drew creative responses from the two finalist teams in the Van Vleck Moot Court competition last Thursday. These two teams were the last remaining competitors from a field of 31 teams who were whittled down through various elimination rounds, leading Dean Johnson to comment that this was the Super bowl of Moot Court Competitions at GW Law.

On one side, Effie Aquila and Michael Patrick argued in defense of a doctor in the imaginary state of Springfield who had willingly and knowingly performed an illegal abortion procedure. Stephanie Roy and Rupali Patel represented the government and sought to defend the constitutionality of the anti-abortion law and the law's death penalty for violators.

Although no one's life was actually on the line, it didn't lessen the intensity of the questioning from the panel of judges. Some of the evening's tough questions came from the Honorable Frank H. Easterbrook of the U.S. Court of Appeals for the Seventh Circuit. The Honorable Colleen McMahon of the U.S. District Court for the Southern District of New York also provided some verbal hurdles for the teams to surmount. In a light-hearted moment before the oral arguments began, Professor Schechter commented that Easterbrook and McMahon had met previously when she interviewed for a job with him years ago. The third panelist, from the District of Columbia Court of Appeals, was the Honorable Stephen H. Glickman who probed the teams' knowledge of the law.

Dean Johnson introduced and welcomed a standing-room-only crowd and was followed soon after by Professor Ziglar who recalled his own Van Vleck Moot Court experience. He advised the student-competitors to "have a lot of fun" with the competition. He reflected on how beneficial moot court had been for him saying that he "got as much or more benefit from this than anything else in law school." He noted that arguing your position precisely is a top priority and that developing this skill is a never ending process.

Lori Kenemuth, President of the

See **MOOT COURT** page 7

## SBA To Consider New Constitution

By CRISTINA VON SPIEGELFELD  
Staff Writer

The SBA's Committee on Constitution Revision recently finished a thorough and comprehensive rewriting of the Constitution, potentially creating a whole new system of student government. The adoption of the new SBA Constitution seeks to eliminate numerous deficiencies encountered in the interpretation of the previous one. This new Constitution will ultimately be voted on by the law school student body.

The creation of the Committee on Constitution Revision was largely driven by Jason Karasik, a 2L student and Chairman of the Judiciary Committee. As Chairman of the Judiciary Committee, Karasik is required to review the bylaws and keep them in order. Karasik says that from the moment he started reviewing the Bylaws, he realized that they were in "bad shape...worded at best vaguely, and often times contradict each other."

Presently, the SBA has two Constitutions which are very similar but also have conflicting provisions. No one knows which version is the most recent or which should be the controlling Constitution as no records were kept by the SBA. Nonetheless, Karasik says that the "problems went light years beyond simply not knowing which version of our Constitution to consider authentic," and that the current system's problems are so "deeply-rooted and fundamentally ingrained" that they "cannot be solved simply by choosing which document to follow."

After Karasik spent "a summer grappling with the inadequacies of the current system of student government," he proposed a committee to revise the Constitution at the first SBA meeting of the school year. With Board approval, SBA President Corrie Westbrook created the committee.

The new Constitution will have three major changes. First, as opposed

to four at-large seats for 2L and 3L representatives, the new Constitution explicitly provides for representation of all day, evening, and post-J.D. sections. Second, the day and evening vice-presidents are replaced with an at-large "Division Representative" for the day division, evening division, and post-J.D. division, and one at-large VP who will not vote during regular SBA business.

Finally, the new Constitution provides for a stronger judicial branch. Although problems with the current Constitutions have persisted for many years, several incidents last school year compelled the SBA to seriously consider re-vamping the whole thing. These problems were compounded not only by discrepancies between two Constitutions, but also by the fact that the Constitutions did not provide for any comprehensive mechanisms to resolve the issues.

Specifically, Michael Silver, a 3L Representative, recalls "Tregate" where

See **CONSTITUTION** page 5

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## NEWS

# Commercial Filmed At Law School Slights Professor, Sparks Debate

BY ALEX SAUNDERS  
News Editor

A commercial shot in the Jacob Burns Moot Court Room in Lerner Hall spoofing obesity litigators has Professor John Banzhaf wondering if the Law School made the right decision. "It is both inappropriate and inexcusable for a major law school, especially one which prides itself on its public interest law curriculum, to be publicly associated with — and actually have its name appear in — an industry-sponsored ad spoofing, in a misleading way, a major public health movement," said Banzhaf.

The Center For Consumer Freedom shot the commercial last year, and it has been shown on many major news stations including Fox News Network and MSNBC. The spot was aimed against lawyers "cashing in" on obesity lawsuits. It features a lawyer attacking a girl scout for tempting his cookie-addicted client with tasty cookies from a box without a nutrition label.

Mike Burita, Media Director for the Center for Consumer Freedom, says that the decision to use GW Law's Moot Court room was done partly out of convenience. Burita called the fact that Banzhaf teaches at GW Law a "coincidence" and added that the room has good light. Banzhaf feels that it is unlikely that the choice to use the law school was a "coincidence," noting that it was his understanding that the Center for Consumer Freedom chose GW Law as a deliberate attempt to undercut his pursuits in the area of food litigation.

Burita says that the Center for Consumer Freedom did pay a fee to use the room but did not disclose the amount. Dean Morrison adds simply that "The Dean's office rented a room to an outside group who used it to film a commercial." There were no GW students used in the filming of the commercial, according to Dean Morrison and Mike Burita. This leads Banzhaf to wonder how a partisan group, with no connections to GW

Law students, could gain access to the Jacob Burns Moot Court Room. "This is an accommodation for our law students," said Banzhaf.

Dean Tom Morrison says that GW routinely rents out their space as long as it does not interfere with classes or other

pecially graduates of the law school. Banzhaf says that on a large TV screen, the sign in the back of the room reading "George Washington Law School" is visible.

The Jacob Burns Moot Court Room, as it stands today, is the result of

civil rights attorneys, or those protecting the environment, or gay rights, or fighting for auto safety or against smoking or sexual harassment, or even other controversial movements like protecting animal rights."

The Center for Consumer Freedom devotes a notable amount of time attacking Banzhaf as being a "greedy trial lawyer" who is "trying to turn food companies into their next cash cow." The Center claims to be a non-profit organization supported by restaurants, food companies, and consumers.

Their website accuses Banzhaf of trying to "get every potential juror to think that there's nothing at all strange about suing food companies because their customers eat too much." The site continues its "obesity wars" by accusing Banzhaf of being "5 percent" responsible for a tort system that "costs Americans \$180 billion a year."

Because this group has targeted Banzhaf in particular, the GW Law Professor finds it troublesome that GW Law administrators allowed for the commercial to be shot here. "My understanding is that the law school...has refused to take any legal action to prevent its name and the image of its well-known moot courtroom... from continuing to be misused in this manner." He suggests that that the school has made a bad decision in allowing this commercial to be shot here because the original law suit against McDonald's "has probably gotten more favorable publicity for the GW Law School during the past several years than all of the school's other clinical law projects, public interest activities, conferences, etc. combined."

That law suit against the fast food giant resulted in a \$12.5 million settlement and included an agreement that McDonald's make disclosures about the type of oil used in the frying process. The law suit was initiated by Banzhaf's Legal Activism class, a class he's referred to as "Sue the Bastards 101."



The Center for Consumer Freedom ad lambasting obesity law suit was filmed in the Jacob Burns Moot Court Room.

law school activities and cited Barbri as an example. Morrison feels that the average viewer would not notice that the court room in the commercial was the Jacob Burns Moot Court room. He says that that the Dean's office took the decision to allow the commercial to proceed.

Banzhaf says that the choice to allow the usage of the Moot Court Room came about as a result of "stupidity" and that the room is recognizable in the commercial to those who have been in it, es-

a comprehensive renovation performed in 2002 with the support of the National Center for State Courts "to showcase the development and implementation of next-generation courtroom technology and serve as NCSC's Courtroom Demonstration Center and Classroom," according to the GW Law website. This, says Banzhaf, makes the room itself a powerful symbol; one that he feels is being misused. "I doubt that our law school would want to appear in an ad spoofing

## Nota Bene

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## Students Attend Career Fair



GW and Georgetown students hunt for public interest jobs in the Marvin Center on Saturday.



## NEWS

# GW Professor Takes Case to the U.S. Supreme Court

By JANE YANOVSKY  
Staff Writer

On April 2, 1990, bounty hunters authorized by the United States Drug Enforcement Administration (DEA) kidnapped Dr. Humberto Alvarez-Machain, a Mexican citizen and a doctor in Guadalajara, Mexico, from his office and Mexico and brought him across state lines to the United States. Dr. Alvarez-Machain faced charges in connection with the murder of a DEA agent five years earlier. The actions of the DEA were challenged as a violation of international law and of the standing extradition treaty between the US and Mexico.

However, the Supreme Court of the United States, without addressing the issue of international law, found that the government's actions did not violate the exact language of the treaty agreement, and acknowledged the jurisdiction of the US courts to try Dr. Alvarez-Machain. His murder trial in California resulted in a directed verdict of acquittal before the case ever went to the jury. The trial judge specifically noted that the government's case was based on the "wildest speculation." Dr. Alvarez-Machain returned to Mexico victorious.

Almost a full decade later, this case has once again found its way to the Supreme Court. And once again, Ralph Steinhardt, Professor of Law and International Affairs at GW, will serve as co-counsel for Dr. Alvarez-Machain. The Supreme Court will hear arguments on the current litigation, *Sosa v. Alvarez-Machain*, on March 30, 2004. The issue presented is whether the DEA had extra-territorial arrest authority, or whether its actions violated the Alien Tort Claims Act (ATCA), 28 U.S.C. § 1350.

The Alien Tort Claims Act, enacted as part of the First Judiciary Act of 1789, allows US courts to hear civil cases brought by aliens alleging tortious conduct that violates the law of nations or a US treaty. In the last several decades, this law has proved fundamental in international human rights litigation, beginning with the 1980 Second Circuit decision in *Filartiga v. Pena-Irala*, in which the Second Circuit held the Paraguayan government civilly responsible for the torture and death of a Paraguayan national.

Currently, many circuits across the country continue to rely the ATCA for grants of jurisdiction to hear cases on such diverse issues of international law as torture, disappearances, war crimes and genocide.

Dr. Alvarez-Machain brought the suit under the ATCA and the Federal Tort Claims Act against Jose Francisco Sosa, one of the identified bounty hunters, and several of the individuals responsible for ordering his abduction. Eventually, the US Government stepped into the shoes of its subordinates as a defendant in the matter.

With Dr. Alvarez-Machain winning in both the District Court and in the

Ninth Circuit, the defendants sought, and were granted, certiorari. However, the respondents face strong opposition not only from the petitioners. The ATCA has recently been used against large corporations for complicity with responsible governments, drawing the ire of the corporate sector terrified that overzealous plaintiff's attorneys will go after all companies doing business in a bad place rather without really focusing on companies that are violating international law.



Professor Ralph Steinhardt

"The other issue is the war on terrorism," said Steinhardt. Many fear that if Dr. Alvarez-Machain can successfully pin civil liability on the Government for its actions it will endanger US efforts to apprehend, through kidnapping or other means, such threats to US security as Osama Bin Laden.

While those concerns are valid, Steinhardt believes that potential for abuse of the statute does not negate the crucial importance of the

ATCA's current interpretation for the protection of human rights. "You don't want to gut the statute [the ATCA] as a concession to corporations when it is conceivable that corporations can be used to violate international law," he noted.

"If a corporation is engaged in slave trade or runs a piracy ring, there's not much doubt that there is a violation of international law and the company should be responsible." Similarly, Dr. Alvarez-Machain does not espouse a position that would tie the hands of the President acting to preserve the best interests of this country. "If there is a controlling executive act, the President can take action in contravention of international law," stated Steinhardt, "what's different in this case is that the decisions were made by lower-level DEA agents."

He further noted that if the President decided to arrest Osama doctrines of diffidence to supreme executive power would prevent the courts from taking legal action against the chief executive. Steinhardt also observed that "the United States is not embracing Sosa's individual actions in this case, and that is a difference that makes a difference."

Steinhardt likened the problem facing the Supreme Court to that presented in *Brown v. Board of Education*: "[Thurgood] Marshall was building on well-established precedent and values even though it was seen as revolutionary." The ATCA represents a similar building block approach to the revolution in international human rights law, a change in which the US played a key role. Steinhardt will investigate the analogy between these two landmark cases in a lecture at Vanderbilt University, exploring Brown's impact on human rights on the 50th anniversary of the decision.

As with any Supreme Court case, a lot of attention means mountains of preparatory work. This year, Steinhardt turned to the students in the International Human Rights Clinic, taught by visiting professor Arturo Carrillo, for assistance in the preparation of his Supreme Court

# ...411...

## NEWS FROM THE GW COMMUNITY

### Intent to Compete Forms Due

1L Students interested in participating in the Moot Court's spring competition must fill out and return an intent to compete form by February 17. The forms, which must be turned in to the Records Office by 5 p.m., are located in the competition packets placed in all 1L mailboxes on the third floor.

### Candygrams on Sale

Phi Delta Phi will be selling candygrams this week from Tuesday to Thursday. Tell that special someone how you feel by sending them a card and some chocolate.

### Sexual Assault Awareness Panel

Wednesday, February 11, University guest speakers and student groups will come together to discuss sexual assault awareness on campus and available resources to treat and prevent sexual assault. The panel will be held at 8 p.m. in the Marvin Center, Room 101.

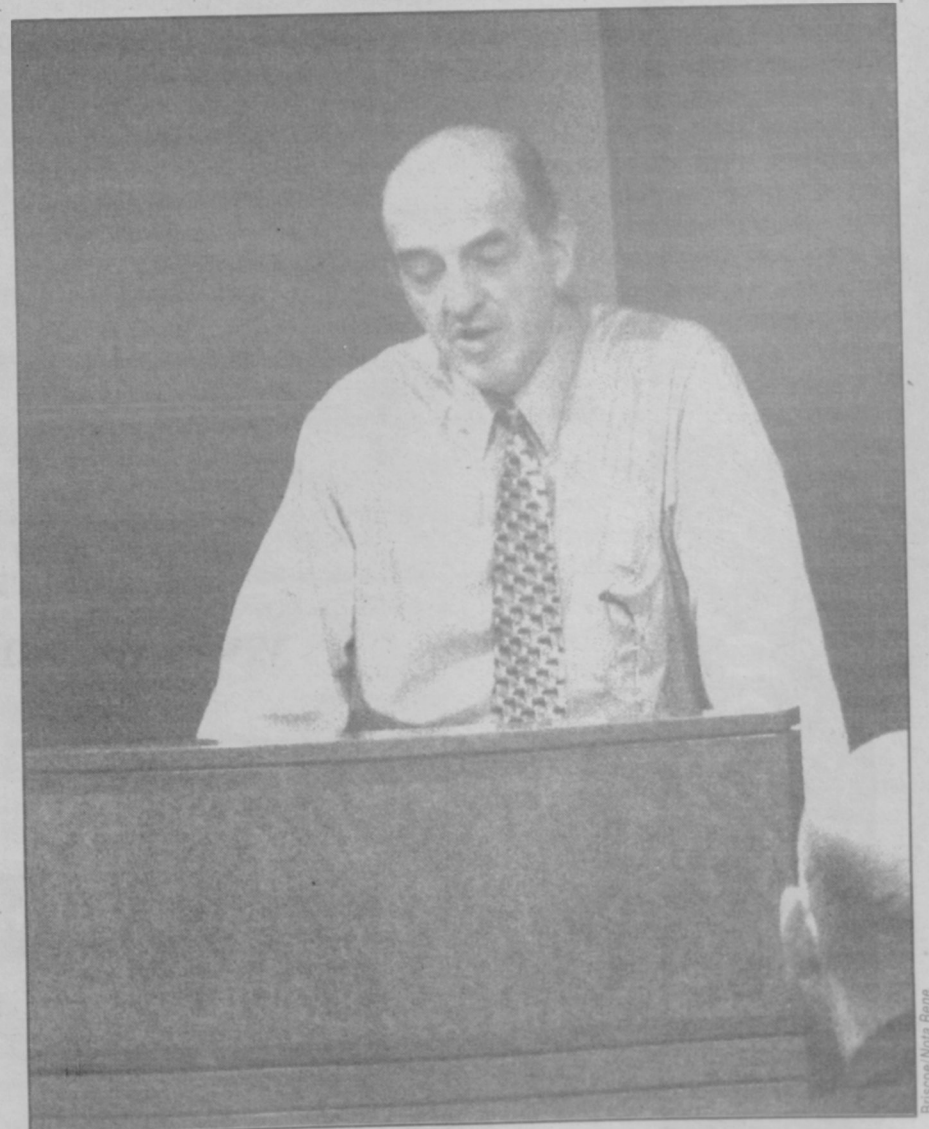
reply brief. Bonnie Miluso, Brad Parr and Rebecca Hamburg were selected to work on the project. "I think it's an amazing opportunity," said Miluso, who had worked with Steinhardt previously.

"It feels like that everything we've been studying for so long is finally culminating in this experience – a real case. The fact that it's such an important human rights issue makes it an even more profound experience." Miluso also felt that the clinical experience was a great culmination of her law school career: "I would encourage people to have some clinical experience in law school, and to

focus if you have a focus. I would like to be working in Human Rights, and hopefully this experience will boost my experience in the field."

Steinhardt also encourages students interested in international law and human rights work to take advantage of the opportunities that come their way, "Diamonds are all around us ... it is really a matter of staying open and receptive to what groups are doing interesting work." Whatever the outcome in the Alvarez-Machain case, it promises to be a revolutionary experience for all people involved.

## FCC Commissioner Speaks



FCC Commissioner Michael Copps speaks in the Faculty Conference Center. He discussed his concerns over recent changes in communications law under the Bush Administration.



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## NEWS

# Students To Vote On New Constitution

CONSTITUTION from page 1.

SBA President, De Famuyiwa tried to fire Tree Marchuk, his Student Services Cabinet head.

The situation became messy as many perceived the firing to be quite arbitrary. Alan Tauber also pointed to a dispute that arose during last Spring's election to support the drafting of a new Constitution. There was a question of improper campaigning during the Day VP race from which Christina Rodriguez filed a grievance. After making her case, Rodriguez lost and found that there was no appeal process and it was unclear if she was entitled to one.

Additionally, the Board did not have time to consider the grievance thoroughly as the Constitution required all the election results to be certified together. Delaying the certification would have stalled the new government.

Other problems include disputes with the GW Student Association or the University administration over certain policies and the absence of binding precedent and coherent records which could have helped to guide SBA officials on how to conduct their jobs properly.

Karasik believes that most problems with the law school's student government and school administration can be traced back to what he calls the "poorly-structured, pitifully-preserved system of student government" that continues to be passed on every year.

"Whether it's a problem with disenfranchisement of evening and post-J.D. students, general funding, the disillusion of Environmental Law Journals, or screw-ups with Clerkships, it stands to reason that if we had a student government structured in such fashion as to promote accountability, efficiency...then there are few limits to what we can accomplish," said Karasik.

"Overall, the 'new' Constitution is very well done," Westbrook says. "There are a few differing opinions about some of the changes, but nothing too major..." She added that these issues should be resolved soon and there's no reason why "the passage of the Constitution can't be accomplished soon."

Some provisions might be contentious though, such as changes with representation and the vesting of so much power in a Supreme Court. Nonetheless, Karasik says that most people agree that

the student government system needs drastic alteration and that the proposed Constitution is a sweeping improvement.

While members of the Committee have been in contact with numerous deans and faculty members regarding the particulars of the language and the theorized extent of the jurisdiction of the Student Bar Association, the school administration has expressed no position about the ratification of a new Constitution.

Ultimately, Karasik says that a revised Constitution seeks to install, "a re-orienting of the entire way in which each student at this school thinks of himself or herself in relation to his or her student government."

He adds that the new Constitution will be able to showcase the SBA's integrity and dedication in concrete and easy recognizable ways and thus will serve as a more accurate reflection of the selfless hard work, time, and energy put in by SBA members.

While the timeline for ratification and implementation moves at a lightning-fast pace, it aims to cause as little disruption as possible and ensure that the entire process is fair and just for all parties.

The Committee has also proposed a complete re-formulation of the elections bylaws to accommodate the Spring 2004 election. Karasik notes that just because the vote for ratification takes place by means of a school-wide election does not mean that the threshold for ratification is a simple majority. The Constitution sets forth that the approval of six classes will be sufficient to ratify the Constitution.

The Committee on Constitutional Revision is chaired by Karasik and is composed of Tauber, a 3L student; Kristi Sims, a 2L student and member of the Judiciary Committee; Jaclyn West, a 1L Day student and member of the Judiciary Committee; and Jonathan Willingham, a 1L student.

Although it is uncertain what other role the Committee will play as the SBA and the student body deliberate on the new Constitution, the Committee continues with its principally advisory role. The Committee will probably play a part in the implementation of the Constitution with Karasik already drafting legislation to help smooth any transitions.

# High Debts, Confusing Paperwork Baffle Graduating Students

Students about to graduate should be mindful of the many financial pitfalls that may await them.

By ELIZABETH AUSTERN  
Staff Writer

As the end of the school year approaches, the exiting class has been planning commencement and looking forward to graduation. However, many of them are already receiving paperwork about managing their student loans, even before they have taken their last finals and sat for the bar. Last year, the average student left GW law school with \$78,000 in law school debt and many students had undergraduate debts on top of that. Huge debts lead many students to wonder how they will pay for living expenses and bar review courses after the end of school while paying down their loans.

At the end of the year, all graduating students get an estimate of their outstanding private and federal law school loans from the Financial Aid office. The statement shows an estimate of the final total they will owe and the amount of their monthly payments. Some students receive brochures from the company holding their federal loans, encouraging them to consolidate all their loans into one. Loan consolidation lowers monthly payments, but increases the total cost of the loan over time and consolidation only applies to federal loans, not other types of funding.

The Financial Aid office doesn't recommend consolidating early; if a student consolidates their loans before the 6-month grace period has ended or even started, they forfeit the remainder of the 6-month grace period available for deferring federal loans. Consolidation after the grace period is ok, according to the Financial Aid office, because the student will not lose the valuable six months to hold off on repayment of Federal Loans.

Nancy LaMotta, Director of Financial Aid of the Law School, explains that there is no good reason to consolidate loans while still in law school, even though brochures encouraging exiting students to do so were sent by loan companies as early as last semester. There are some advantages to loan consolidation, but LaMotta says that they are outweighed by the disadvantages this early in the repayment process.

Once a student has consolidated their loans, the 6-month grace period is forfeited forever – once the loans are consolidated, they cannot be unconsolidated, unless the student returns to school at least half time. The grace period on loan deferment for law school loans does not even begin until the day after graduation.

Before exiting law school, students who have federal loans are required to attend 1-hour exit counseling sessions and sign a form affirming their attendance. Despite this federal requirement, the past few years has seen a dismal one-third of the 400 graduates with law school loans turnout for exit counseling, a situation that LaMotta deplors.

"We have a very astute population and students generally [think they can] do the minimum requirement, and just turn in the form without showing up," says LaMotta. This is problematic, LaMotta explains, because there are procedures that students must follow correctly, beginning immediately after graduation, so that they can pay the smallest possible amount on their loans. Consolidation options can also be very confusing, as there are restrictions and choices that are not explained well in lenders' brochures. The procedures and options, among other things, are explained in the exit counseling sessions, which will be held on March 15, 17, and 18.

Students worried about paying for expenses incurred after law school ends but before they start working may be able to get commercial "bar loans" of up to \$11,000 (disbursed in up to 4 payments, directly to the student) available to pay for the bar, review courses, and living expenses. "I already owe a ton of money," said 3L Jaclyn Gerhard, "so another \$10,000 [is] just a drop in the bucket." She stated she preferred to borrow more money and study for the bar than start work early. "The typical start date is September 1," she said, "[and] I want to study for the bar."

Bar loans are commercial loans, not student loans, however – students must have good credit to receive them. LaMotta suggests that students who are interested in bar loans check their credit ratings now so that they will know if they are likely to receive the loans and plan accordingly. It is unlikely that a student with a bad credit rating could change it before graduation, because the score is based on 7 years of data. Gerhard wasn't worried about the availability of bar loans – "My credit should be fine," she said, "student loans aren't factored into your credit score."

Meanwhile, students planning on returning to law school next year are facing a May 11<sup>th</sup> deadline for GW need-based aid awarded in the form of grants; the grants are only available to students who are at least taking out the full Stafford loan and qualify for the interest subsidy on the first \$8,500.

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## NEWS

# Buergenthal Brings Remarkable International Experience to GW

## SPEAKER from page 1:

the US Supreme Court last year, Senate Majority leader George Mitchell in 2002, Former Attorney General Janet Reno in 2001, and Chief Justice William Rehnquist of the US Supreme Court in the Spring of 2000.

What can be expected from Buergenthal's speech? Morrison said the administration does not exercise any control over what a speaker says. "The topic is fully up to the speaker," he said. Nevertheless, the administration desires that the graduating students benefit from what is said. "We want [speakers] to bring the expertise and experience in their area of law to the graduating students. We want the graduating attorneys to be able to bring some of the expertise and experience of these speakers to the benefit of their activities after graduation," said Morrison.

Buergenthal has dedicated much of his time to important international human rights issues and has served as chairman for the United States National Commission for the UNESCO Human Rights Committee and Chief US Government Representative for the UNESCO Executive Board Working Group on Human Rights Procedures. He has also been heavily involved in the development of the Holocaust Memorial, serving in various capacities for the United States Holocaust Memorial Council.

Buergenthal stressed the importance of US involvement in international legal matters during his American University speech. "[I]gnorance about contemporary international law... feeds the isolationism and suspicion of all things

foreign and hampers the effective participation of the United States in international lawmaking efforts," said Buergenthal. The solution to this problem, he proposed, is teaching and training lawyers to be more familiar with other legal systems.

Prior to his appointment at the ICJ, Judge Buergenthal served on the Inter-American Court of Human Rights and the Inter-American Development Bank. Professor Murphy notes that Buergenthal was instrumental in the development of the Inter-American Court of Human Rights. "He was there at the beginning - he was important in helping it develop its procedure and jurisprudence," Murphy added.

His appointment to the ICJ comes at an unusually busy time for the court, noted Murphy, due in part to the increased US involvement in the ICJ. In a recent interview for NYU Law, Judge Buergenthal said that the Court's docket has grown "very substantially" in the past few years. "It is very likely, therefore, that in the future the Court is going to play an ever more important role in the peaceful resolution of international disputes," Buergenthal said in the interview. Dean Young, in his letter to the students, pointed out that a recent opinion of the

ICJ regarding a dispute between the United States and Iran was argued in large part by GW Law Professors Sean Murphy and Mike Matheson and underscores the importance of the ICJ.

Morrison feels that this is an important time of year and is glad to see that

Buergenthal has been selected. "Graduation... involves a certain degree of pomp and circumstance - we celebrate the achievements of the school, and Judge Buergenthal will help us do this." Morrison continued by noting that "The history of this law school and who speaks here is a who's who of

great legal lives. It is more than just minds, these are people to look at and admire, and 2004 will be another banner year."

Judge Buergenthal taught at GW Law School between 1989 and 2000, serving as the Lobingier Professor of Comparative Law and Jurisprudence and directed the International and Comparative Law Program. He has authored numerous books including *International Protection of Human Rights* (with L. B. Sohn, 1973); and *International Human Rights* (2nd ed. 1995).

Buergenthal was born in Lubochna, Slovakia, in 1934. During WWII, his

family was caught in the Holocaust, where he was split from his parents. He spent time in the Ghetto of Kielce in Poland and the concentration camps at Auschwitz and Sachsenhausen. After WWII, Buergenthal spent 2 years in an orphanage in Ottwoch, Poland. Presumed to have no living relatives, he was destined for Palestine when, against all odds, he was reunited with his mother who he found by chance at a train station platform in Göttingen.

Buergenthal had no formal schooling until he was 14 and living in Paris. At 17, he came to the US and settled for a time in New Jersey. He attended Bethany College in West Virginia for his undergraduate degree and New York University where he obtained his J.D. He later received LL.M. and S.J.D. degrees in international law from Harvard Law School.

Among past achievements too numerous to recount here, Buergenthal has served as Judge and President of the Administrative Tribunal of the Inter-American Development Bank (1989-1994) and as Judge and President of the Inter-American Court of Human Rights (1979-1991). He has also served as Member of the United Nations Human Rights Committee (1995-1999); Member of the United Nations Truth Commission for El Salvador (1992-1993); and Member of the Panels of Conciliators and of Arbitrators, International Centre for Settlement of Investment Disputes of the World Bank (starting in 1997). Buergenthal was elected to the ICJ by the United Nations General Assembly on March 2, 2000. His current term is set to expire on February 5, 2006.

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## NEWS

## Competitors, Judges Spar In Finals

MOOT COURT from page 1.

Moot Court Board approached the podium and gave the audience a brief run-down of the extremely competitive process of selecting the finalists. She said that out of 31 teams who began the competition, only 8 were selected to enter the quarterfinals. These 8 teams then entered the elimination rounds. The teams who argued in the finals underwent a very competitive pro-

and unusual punishment. Judge McMahon noted that the D&X abortion procedure itself is cruel and inflicts "unnecessary pain or suffering."

Because of this, noted McMahon, the punishment was suited to the crime. "An eye for an eye, a tooth for a tooth," said McMahon. Patrick remained poised and pointed out that no states have gone as

the proposition that statutes that serve no Utilitarian purpose but served merely to enforce majoritarian cultural norms would not be upheld.

The panel noted that Springfield's ban of the D&X procedure was substantively the same as the legal procedures in that the outcome was the same: the fetus would be dead. Easterbrook followed this reasoning and asked Roy to justify why the D&X ban was necessary, given that it seemed to only serve as a moralizing statute.

Rupali Patel was the final competitor and attempted to justify the state's imposition of the death penalty for the doctor who had broken Springfield's anti-abortion law. Patel barely began when McMahon announced that she was "lying in wait for" Patel and had serious questions about her position. McMahon wondered why the state of Springfield had such a harsh punishment for the termination of a viable fetus but much lesser punishments for other comparable crimes.

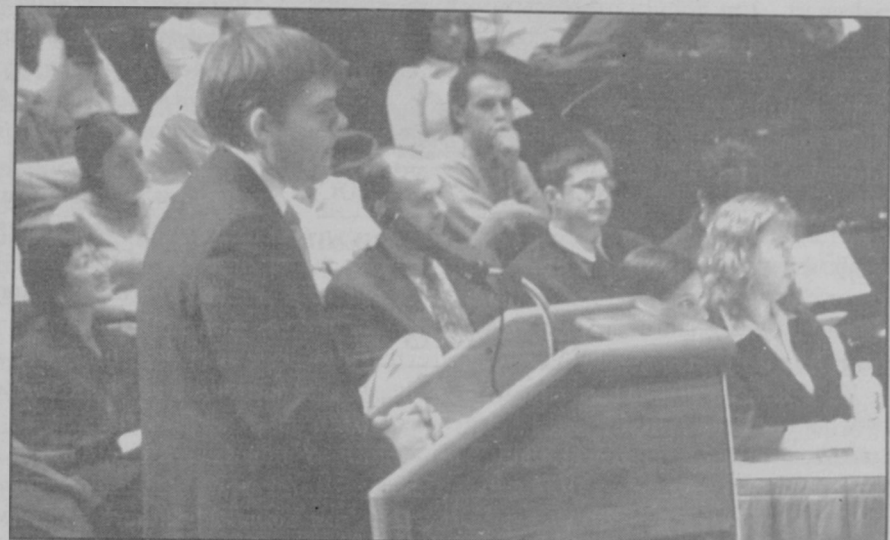
McMahon asked Patel to explain why cruelty in some cases goes lightly punished while in this anti-abortion statute, the punishment is the most severe available. Easterbrook went as far as saying that torturing an animal might be as bad, or worse, than killing a fetus, which may have a more limited sensory capacity than animals.

Additionally, the panel asked Patel to explain why the statute makes no attempt to punish the woman requesting the abortion, who is, as the panel noted, equally morally culpable. This "gross disparity" was cause for concern for the panel who tested Patel's ability to think on her feet. Once again, McMahon queried why the punishment had to be so severe when the outcome between a legal and an illegal procedure is so difficult to define. "The result to the fetus is the same...Dead, dead," said McMahon.

The oral arguments ended after Aquila gave a brief rebuttal and the Judges left the room to confer in order to decide on the winning team and best individual efforts.

While the judges met outside the Betts Theatre, several awards were presented for best individual efforts in the Giles Rich and Van Vleck Moot Court Competitions. When the panelists returned they announced that Stephanie Roy had the best oral argument and Michael Patrick wrote the best brief in this final round.

The judges then selected the winning team, saying that Rupali Patel and Stephanie Roy, the respondents, had put in the best overall effort. This was followed by a reception in the Continental Ballroom on the third floor of the Marvin Center.



Michael Patrick responds to a judge's question during the Van Vleck finals last Thursday.

cess, writing briefs and arguing their sides many times before arguing in front of judges from Federal and State level courts.

After Alan Tauber, serving as Clerk of the Court, made the Supreme Court's traditional entrance announcement, the three judges and four competitors began the oral arguments. Effie Aquila began as counselor for the petitioners.

She barely began her prepared statements when the onslaught of questioning began. Judge McMahon attacked the foundation of Aquila's argument, which required persuading the panel that a mental health exception to the Springfield statute was constitutionally required.

At one point Aquila attempted to cite pertinent case law, but found an impatient Judge Easterbrook who stopped her and told her he had no need for case law and preferred that she just answer the question. "I want you to address my question," Easterbrook asked in a forceful tone.

The grilling went on as Aquila attempted to recover from the incisive commentary. Easterbrook sought to analogize a Glaucoma ridden patient who wished to smoke Marijuana to the present case. Easterbrook pointed out that if the anti-abortion statute required a health exception, then every law could conceivable allow for a health exception. Easterbrook queried whether a medical exception was, as Aquila put it, a constitutional requirement.

Easterbrook commented that Aquila seemed reluctant to close on his question. Initially, the competitors were to have only 15 minutes for their oral argument but Aquila's time on the hot seat was 23 long minutes. In a moment of comic relief, Judge Glickman noted that they were "having fun up here." The comment drew a chuckle from the crowd but the grilling continued. Easterbrook challenged Aquila to explain how a medical exception to the anti-abortion statute differed from Dr. Kevorkian's assisted suicide.

After the long questioning of Aquila, Michael Patrick took to the podium to argue that the death penalty was inappropriate in this case and violative of the 8<sup>th</sup> Amendment ban against cruel

far as the fictional state of Springfield in punishing a medical procedure.

Easterbrook then attempted to have Patrick explain how he would justify the distinction between the abortion of a viable fetus 10 minutes prior to birth and the killing of a child 10 minutes after birth. The distinction, although a fine one, was one that Patrick felt was reasonable. In response to this rationale, Easterbrook made the incisive comment that Patrick sounded more like a lobbyist than a lawyer. In another of several light-hearted moments, Patrick cited a Supreme Court case, at which time Easterbrook reminded everyone that "we are the Supreme Court."

The questioning then moved on to the substance of the offense. Namely, the facts suggested that the law-breaking doctor had performed the illegal procedures on several occasions. Patrick noted that the defendant was on trial for one of those crimes, a comment that did not sit well with the panel.

McMahon said that she found the argument that a recidivist murderer had not previously been charged "most unappealing" as it did not lessen the heinous nature of the crimes. "But don't let that stop you," Glickman said, drawing a laugh from the audience. As Patrick's time on the hot seat wound down he tried to downplay the doctor's intent. The doctor's intent, said Patrick, was to conduct a medical procedure, not to commit murder.

Stephanie Roy, representing the state of Springfield, was next. The panel shifted gears now and grilled the respondent state saying that the anti-abortion law was "Draconian." Roy's position was attacked primarily on what the panel said was a flimsy distinction between the illegal D&X procedure and the legal D&E procedure. "It doesn't make a difference to the fetus, it's dead," said McMahon.

Additionally Roy was asked about the statute's built in escape device, which allowed for a violator of the law to raise, in defense, that there was a good faith reason to believe the potential mother's life was in danger. Then the panel brought up the Supreme Court's recent *Lawrence* case and posited that the case stood for



Judges Colleen MacMahon, Frank Easterbrook and Stephen Glickman enjoy themselves as they grill the finalists.

## Van Vleck Winners

## Best Oralist

First - John Carroll  
Second - Emily Mancina  
Third - George Stauffer

## Best Brief

First - Jane Yanovsky  
Second - Stephanie Roy  
Third - Stephen Perkins

## Best Overall Competitor

First - Stephanie Roy  
Second - Michael Patrick  
Third - Emily Mancina

## Van Vleck Finals Awards

Best Brief - Michael Patrick  
Best Oralist - Stephanie Roy  
Winning Team - Stephanie Roy and Rupali Patel

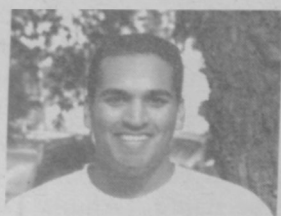


## FEATURES

## Golden Kernels of Knowledge

Erik shares some tid-bits he's learned over the last three years.

Today, I will try something a little different. Then again, every week this column is unique in its special little way. Whatever. I'm going to impart to you all some words of wisdom I have compiled over the years of torment, temptation, and triumph. Here they go:



ERIK BAPTIST  
**THREE (HEL)L**

1. Some people say, "You can't judge a book by its cover." Those people are idiots. In the world of Erik, every book is judged by its cover. Seriously. When I go to Barnes and Noble or Borders to find a book, I base my decision whether to purchase a particular book solely on what the cover contains: the summary of the book's content, its reviews, and its reviewers. Usually, you can separate the mediocre books from the truly exceptional ones just by deciphering the coded language on its cover. It may take time and practice, but it's a useful tool, especially because books are expensive.

2. When I was growing up, my friend and I had a saying about how we approached sports and competitions: You talk smack, you get smacked. We both came from the old school of letting your actions on the field/court do the talking, instead of partaking in the modern-day trend of trash-talking. Don't give your opponents any more motivation than they already have.

Well, recently, some fellow law students and I forgot that wise saying. The four of us joined forces to form the law school's only intramural bowling team. We're not professionals, but we're decent. The league is filled with undergrads, including some fraternity and sorority teams. Last week, we bowled against a sorority that failed to reach 100 points in the previous week.

Our captain, "Clarence," was so confident we would win that he was talking so much trash before the match that I thought we were going to play some armless hookers. Even during the match, he was giving the girls lip – but not in the good way. My other friend, "Rupert," also decided to inform the girls of Alpha Phi that their sorority was known as "All for Free" at his college.

To make a long, painful story short, the ladies of All for Free spanked us hard – but not in the good way. They fielded a completely different team than the previous week. One girl bowled a 200 game. Another girl bowled the ball 0.5 mph, but managed to knock down every single pin each time she bowled. We were blown out of the water. Moreover, the girls charmed Clarence into bowling the worst games of his life; he couldn't stop flirting with them enough to get off a good bowl. Disgusting tactics – but effective.

3. Here's another personal philosophy of mine: No matter how good you think you are, there is always someone better. The most recent example of this advice came at the Van Vleck Moot Court Competition Finals. The two teams were the best our law school had to offer. That fact did not matter. Judge Easterbrook and his *junta* might as well have given the competitors a cigarette and a blindfold before they unleashed their firing squad.

We're still law students, and we have so much more to learn about the practice of law in the real world. None of us is ready for the big time. No matter how good of a researcher and writer I think I am, I know I can learn a lot from peers and practitioners.

4. A Supreme Court Justice was once asked about how to succeed. He replied, "Everyone has the will to be successful. But not everyone has the will to prepare. You must possess the will to prepare to separate yourself from the rest." This rule applies to all aspects of life: studying for law school exams, improving your practical legal skills, training for marathons, or just picking up chicks. Unfortunately, I lack the will to prepare, so I'm destined to fail. But at least I know what it takes to reach the mountaintop; I just choose to remain in the valley.

5. I'm not sure how the old adage goes, but here's my take: You can't make everyone happy all of the time, nor can you make some people happy all of the time; you can only make some people happy some of the time. By now, we've been

through different levels of education and various work experiences. With all that behind us, we've met and befriended many people.

Law school, however, limits your time with those people. I average about two "social" nights a week. But how can I hangout with friends from high school, college, law school, and multiple jobs? I can't. Consequently, some people are going to be upset. They'll just have to deal with it. And if they don't, they're not good friends. But to my dismay, I don't have any friends, so I don't really have to worry about this problem. Actually, my "social" nights entail talking to the 19-year old cashier at Hollywood Video while I rent "Legally Blonde 2" and "Terms of Endearment." It's a sad state of affairs.

6. Finally, and most importantly, here is my all-time favorite piece of advice: "You can't teach a monkey to run backwards, when he's eating a banana." I don't think that saying needs any further explanation.

**We're still law students, and we have so much more to learn about the practice of law in the real world. None of us is ready for the big time.**

## Reflections From A Forensic Psychologist

Columnist celebrates Valentine's Day with a chat with his significant other.

This week, my column has a special guest. I'm going to examine the mens rea of my lovely assistant, ahem...girlfriend, Kate. Some of you may remember her from previous issues of my column, when I told you about how I forgot her birthday for a week all because of one night at Bar Review. Yeah, she's still with me after that one.

The truth is, I didn't

know what to write about in my column this week, so now, in the middle of the night, hours after my deadline, she has suggested I let her have a say to my loyal readership. My response: sure, why not? Her first is a blanket piece of advice to all of you.

*Law school sucks, but being a receptionist sucks more. Stay in school.*

Don't worry about her, though. She's in grad school, too, for Forensic Psychology. And don't ask how she figures out what they were thinking after they're dead – she hates that. So, on with the interview!

What's the worst thing about dating someone in law school?

*When I ask you a simple question, and I get back a lecture. I'm not in school, you moron – I just want a simple answer to my questions.*

Wow. Issues. I had no idea how much aggression she had pent up. Maybe we should see someone about this...

Moving on to the next question. Who's your favorite law student?

*Well, I'd say Matthew Modine in Gross Anatomy, but he was a medical student, huh? Same difference.*

Close enough, hun.

*Well, I'll tell you who my LEAST favorite law student is – that damned Teletubbie who won the Halloween costume contest instead of my way cool Girl Gone Wild costume.*

You all remember, don't you? She was the chick who you thought actually had her breasts showing at the Halloween party.

What next? How do you feel about our commencement speaker?

*All I care is that it's not Scalia. I don't like that guy, because he's so black and white about everything – no consideration for the in-betweens. If he has a wife, I hope she's deaf, for her sake. I'd imagine that if she ever wanted to engage in certain sexual acts, he'd say no because they're unconstitutional.*

Well, hun, he's not our speaker, so you can relax. Please.

Anyway, moving on, if you had to study one area of law, what would it be? *Criminal law, definitely.*

I guess that makes sense, given your field of study. I'll try again. What area would you NOT want to study?

*Environmental law. I hate nature. I hate so much of it, it's hard to describe. You*



CHRIS MCCLINTOCK  
AND HIS GIRLFRIEND,  
KATE  
**My Mens Rea**

*can't talk to bugs – how am I supposed to know if a tick has lime disease? If I can't talk to you, I don't want to be around you. Trees are good – they give you oxygen, and probably won't attack you while you're in your tent.*

Let's talk about something less important. Was OJ guilty?

*Yeah, dude. I don't like that question.*

Why not?

*I don't know. Next*

*question.*

What are you reading there?

*John Allen Muhammad's opening statement. He's trying to sound all lawyer-like, but he makes no sense. That guy is totally crazy. Are the truth, the whole truth, and nothing but the truth really three different truths? This is proof that only crazy people want to represent themselves.*

Well, there we agree. You seem to be oddly interested in nutty criminals.

*I just want to know who to look out for. I don't want to get on the Metro with some psycho.*

Neither do the rest of us. I'm actually now thinking of the upcoming holiday, so let me ask: what should we do for Valentine's Day?

*Valentine's Day is stupid. Single people shouldn't feel bad on that day, because it's lame. It's all commercialization. I'd rather get a gift on some other random day of the year when I'm not expecting it.*

Bless you, my dear. Man, I have a great girlfriend. Now, if I can just remember to give her a gift some other time...

Well, one last question to wrap it all up, and I think it's the most important one of the evening: for the past three years, has it been so bad dating a law student?

*Yes. I should get my own diploma for putting up with it and you. After your graduation ceremony, there should be another one for the significant others who've had to deal with all the crap you've dished out about moot court and journal and job searching and gunners. Honestly, though, I'm much more afraid to be the girlfriend of a lawyer.*

I can't say I blame you there, but thanks for coping with me all the same.

*Don't mention it.*

Well, readers, I hope you enjoyed hearing from Kate – she's far more interesting than me these days. Although, she just read what I've written and swears I've mischaracterized her and misquoted most of what she said. I say it's much more accurate than that.

And so to you, Kate, I thank you for giving me material for my column. I don't know how to repay you. *You could pay me money.* How about I pay you in kisses? *Kisses won't buy me a car.* No, no they won't.



## FEATURES

# Fox's *The O.C.* Provides Good Viewing, Music

By PETER BROMAGHIM  
Music Critic

Ladies and gents, I have a confession to make. I watch *The O.C.* Call it formulaic, call it contrived, call it what you will. Sure, the show is anything but realistic, but even the evil geniuses behind so-called reality television know that the last thing people want to watch is a life actually resembling theirs. The characters on Fox's latest 25-year-olds-in-high-school drama are wealthy, good-looking, and surrounded with some serious issues. And just as when the Beverly Hills High gang was on screen, I claim to be none of the above, so I'm naturally attracted to *The O.C.*

I'm not sure how our intense program-viewer relationship started—it was all so sudden—but after a few episodes, I found myself in heated debates over whether 90210 or 9020.C. was a better term of endearment.

My allegiance was torn between the female character that would make for the best relationship (indie-rock Anna) and the one that would be the better one-night stand (Seth's mom). Seth and I would certainly be boys, I decided, we seemed to have similar tastes in music, movies and women. And that way, I could get at his mom.

Daydreaming aside, *The O.C.* impressed me with its weekly soundtrack and overall music aptitude. Top-notch bands like Spoon and Clinic were featured, while the Seth name-dropped such indie staples as The Shins and Death Cab for Cutie.

An unprecedented merger of my tastes in music and television was occurring. But like most whirlwind relationships, I should have known that it would soon be spoiled.

Oliver was introduced, the coke fiend that managed to throw the happy-go-lucky California high-schoolers into an episode of *Boston Public*. Frankly, too much drama, not enough making out. Worst of all, a few weeks back, they ran what I'll call for obvious reasons "the Rooney episode."

The plot of this particular spectacle was simple: Oliver, aforementioned sketchball, gets the whole crew backstage passes to see a sold-out concert by a band called Rooney. Prior to this, I hadn't really heard any songs by Rooney, but saw that they advertised their record on TV, a huge strike against them in my book. Based on what I heard on the commercials, the Beachstreet Boys would have been a more fitting name. I mean, are they named after Mickey Rooney? *Andy Rooney*?

Anyway, the plot was fine with me, kids go to see concerts, especially those by very average bands. But over the course of the episode, the characters said the word "Rooney" about a thousand times during the episode.

So not only did this relatively unknown band get a play a gig on one of

the most popular shows on primetime television, they were worked into the dialogue of almost every line of the script. It was like, "How the Rooney are you?" "Rooney, man, Rooney." Even Seth, who I thought was with it, debuted a big Rooney poster in his bedroom. Wow! You can't buy that kind of outrageous publicity!

Yes, dimwit, you can. Although the *Nota Bene* turned down my requests to fly out to Hollywood to do some real investigative journalism, I can safely say that, as Professor Kordana would say, this Rooney-mania doesn't pass "the smell test." For one, Rooney lead singer Robert Carmine's real last name is Schwartzman.

As in Jason Schwartzman, the nerdy star of one of my most beloved movies, *Rushmore*, and the former drummer of the band Phantom Planet, whose feel-good song "California" is *The O.C.*'s opening theme. They're brothers. Their mother, actress Talia Shire, is the sister of renowned director Francis Ford Coppola. Francis' daughter is the esteemed Sofia Coppola, director of *Lost in Translation*, my favorite film of 2003. So the Schwartzmans claim Sofia as a cousin, as well as Nicolas Coppola, better known as Nicolas Cage.

Don't forget that Sofia was until recently married to director Spike Jonze, heir to the Spiegel catalog fortune himself, and Cage has been married into the Arquettes and the Presleys.

All of 27 years old, *The O.C.* creator and director Josh Schwartz (no apparent relation to any of these people) appears to have tipped his hat to one of Hollywood's most prestigious clans.

Maybe I'm reading too much into this, maybe Geffen/Interscope merely parked a dump truck full of money in Schwartz's driveway.

Either way, Rooney wasn't exactly drawn out of a hat to become the annoying focal point of the episode that marked the beginning of the end of my hot and heavy relationship with *The O.C.*

When I jumped on the computer to find out what this Rooney nonsense was all about, I fell upon a teeny-bopper message board that read, "OMG Rooney is a GR8 band, I didnt know them before, but they were just on the OC and I luv the OC!!!" Targeting young obsessive girls? Unheard of! Not surprisingly, *The O.C.* recently finalized plans for releasing a soundtrack that hits this March.

Inevitably, *The O.C.* has left me feeling like Seinfeld, unwilling to admit to the policewoman or the polygraph that he enjoys Melrose Place.

I'm not bitter, I just hope Señor Schwartz never makes it in Hollywood, and that Rooney is cursed by concerts filled with high-pitched screams. As for the rest of you, you will never be as good-looking or as troubled as the cast of *The O.C.*, but at least you can have better taste in music.

# Commercialization Began with Harvard

At least two college presidents have spoken out openly against the over-commercialization of collegiate athletics.

One has said that massive gate receipts have "turned amateur contests into major commercial spectacles." The other has said that "if the movement shall continue at the same rate, it will soon be fairly a question whether the letters B.A. stand more for Bachelor of Arts or Bachelor of Athletics."

The presidents of Florida State and Miami? Ohio State and Michigan? Nebraska and Oklahoma?

Try Harvard and MIT. In the 1800s. So who got us into this mess?

Texas Tech basketball coach Bob Knight's recent decision to display a commercial logo on his shirt is the latest step toward the over-commercialization of college athletics, but to blame him for the problem would be like blaming the latest casino builder in Las Vegas for the ills of Sin City.

I will start off by blaming Harvard.

One of the earliest intercollegiate athletic competitions was a regatta between Harvard and Yale Universities. First, the regatta was sponsored by Elkins Railroad Line, and second, Harvard, in a corrupt attempt to win the competition, obtained the services of a coxswain who was not a student. The cheating was no doubt compounded by the commercialization of the event.

Next, I blame Yale.

There are reports that in the late 1800s Yale compensated a student-athlete by the name of Hogan with a suite of dorm rooms, free meals at the University club, a \$100 scholarship, profits from the sale of programs, an agency arrangement with the America Tobacco Company under which he received a commission on cigarettes sold in New Haven, and a ten-day paid vacation to Cuba.

Since the days of Hogan, college athletics has only become more commercialized. It needs repair, if it is not already beyond repair.

In fact, college athletics is not really college athletics at all; it is professional athletics where everyone but the players get paid.

The evidence is clear. One example is that coaches' salaries are out of control. When Steve Spurrier was the head football coach at the University of Florida, his \$2 million-plus salary meant he made about 30 times as much money as the average full professor at Florida. Even back in 2001, seven of Arkansas' nine assistant coaches made more than \$100,000.

The apparel contracts are also out of control. The University of Texas has a seven-year \$20 million deal with Nike and UCLA has a six-year \$19 million deal with Adidas.

Then there is the BCS, whose cartel of schools reaps millions of dollars at the expense of the smaller schools, and the NCAA contract with CBS, which grosses the NCAA \$6 billion for the rights to televise college basketball games. Yes,

you read that correctly: SIX BILLION DOLLARS.

These, of course, are all just symptoms of the problem. The problem is that the boosters and boards of trustees of the nation's schools of higher education demand winning, money-making athletic teams. The presidents, therefore, in an effort to please their "bosses," demand from the athletic departments winning, money-making teams. And the burden then falls on the coaches to win, and win now.

This vicious cycle was never more evident than when Nebraska fired head football coach Frank Solich,

who led Nebraska to a 58-19 record in six seasons, including a 9-3 campaign in 2003.

Solich, however, is not the only coach caught in the cycle. Division I-A head football coaches remain on their jobs for an average of 2.8 years, with 87 of 115 coaches changing jobs between 1999 and 2001. Only nine I-A football coaches have stayed at a school for a dozen years or more.

Some argue that this is all fine—there is a massive demand for college sports, and the schools and the NCAA, as market participants, are free to feed that demand. I understand that view. I understand that in America the opportunity to get rich is one of our most precious values.

But something has to change. While I want to argue that colleges should take the high road and scale back their athletic programs in order to restore education as the main focus, I believe that, overall, athletics is a still a positive endeavor for most students and their schools.

There is another solution: pay the players.

The schools—especially the high-profile Division I schools—should quit deceiving the public into thinking that all the athletes are getting some great deal by playing ball while they get an education. If they were all getting such a great deal, top high school athletes in sports that offer professional contracts out of high school (baseball and basketball, for example) would not bypass college for the professional ranks.

For many of the athletes, of course, the opportunity to play college sports and get a free education is a great deal, but the top athletes at the top schools are getting ripped off. The schools and the NCAA use them for their skills, reap millions of dollars in TV contracts, gate receipts, apparel contracts and the like, and then send them on their way. Often, the players are pushed through to graduation without receiving the quality of education the schools claim they received.

I do not advocate paying student-athletes a salary or giving them a direct cut of revenues. There are better ways to compensate them: for example, putting money in a trust fund that they can use later on to start a business or put a down payment on a home, or paying for graduate education.

If college athletics are going to be primarily a commercial endeavor, then let the athletes participate in the commerce.



RODNEY ZWAHLEN  
Sports Column



## FEATURES

## Crazy Little Thing Called Love

Love is in the air. Okay, I know, it's freezing, the birds are in Florida and the sun's done more hiding than shining lately, but ever since Christmas/Chanukah/Kwanzaa wrapped up, the marketing geniuses who brought you Hallmark holidays have inundated every store I frequent with reds and pinks, hearts and ribbons and mushy, gushy, love, love, love. Even Victoria's Secret, my personal Mecca, has abandoned practically all its sexy lingerie in favor of cotton hot pants and camis strewn with various "I love you's" or "Do you love me's?" I'm not entirely sure I want my underwear making those statements. Actually, I know I don't. But, yeah, I'm going to buy some anyway.

It's not just the stores, though. As I was interminably waiting for the metro Sunday night, I was surrounded by an uncommonly high number of PDAs. There were the girl straddling her boy on the bench and the couple kiss-kiss-kissing for the entire wait time. And I'm not even covering the more casual snuggling types or hand holders. I suppose it's hypocritical for me to condemn PDAs because I'm a pretty affectionate person myself, but mostly I know there's a time and a place for things, mostly. I mean, people, get a room already.

Anyway, all this marketing and making out has got me thinking about love and its many incarnations. I'll admit, I'm not the biggest fan of the L-word. In my humble opinion, there is no other word in the English language more powerful than the word "love," nor is there

one more overused. I will be sexist and say that this is something that my gender is much more sensitive to than the opposite gender.

Say, for example, a guy you like says "I love your smile," (but doesn't then sing the Shanice song because that would be just a little strange). You can't help but start to think: "well if you *love* my smile, what else do you *love* about me? Are you saying you have feelings for me? Do I have feelings for you? Do you think I do?" You see this has the potential to spiral out of control.

There is another risk in being with those who throw out the L-word oh-so-casually. If you hear it enough you might accidentally say it back. It's like watching *Scarface* and not saying "f- this and f-that" when it's done. And everyone knows that nothing's more scary in new relationships than when things come prematurely...things like "I love you's," that is.

Consequently, I've taken a bold stand on the L-word. I never say it unless I mean it, at least not when I'm sober. But when I do love you, I tell you often because, let's face it, it's a nice thing to hear. I have to admit, too, I'm a lucky girl: there are (relatively) a lot of people that I truly love, on this planet, namely

my family and the dozen or so true blue friends that I would do anything for (and who would do anything for me).

On the other hand, it's been years since I've said "I love you" to someone and meant "I'm *in love* with you." Yes, once upon a time many, many moons ago in the faraway land of Massachusetts, I was in love.

Unfortunately this love was messy, drama ridden, and plagued by more interference than the four square court at my local playground. Still, it had tenacity. It survived years of breaking up, hooking up, rumors,

and the first few semesters of college. After all, drama aside, he was a great guy, an incredible writer, funny, smart, sweet, and he used to have this way of looking across the room at me that would just make me melt.

When I saw this boy recently, for the first time in 3 years, not much had changed. The attraction between us was still undeniably strong. But as much as I love him, I'm simply not in love with him, and I haven't been for ages.

In the 6 years since my ex and I were officially over, I've dated many guys. I've had the occasional boyfriend. But I simply haven't been in love. There were possibilities that perhaps could have been something great, but for various and sun-

dry reasons (usually involving my imminent departure) they weren't. And so, little by little, I started to stop believing in romantic love.

Recently, my cynicism was afforded some merit. According to this month's *Cosmopolitan*, brain-scan studies reveal that love does not exist as an emotion but rather as a "drive to win an award such as food or sex." Is what we've called romantic love, then, only the thrill of the chase, the game and nothing more? Clearly, we can care deeply for each other. But is it really possible to distinguish between the romantic love that supposedly makes relationships work, and an excellent friendship plus some good old fashioned lust?

Perhaps it would be easier to make love a need than an emotion: needs can be denied (see, e.g., dieting), while emotions often overtake us, seemingly leaving us no choice in the matter. Maybe it would be easier, too, to give entirely into my Scarlett/Rhett fantasies of true romance. Call it love anorexia. But I've never been able to stick to a diet, and, quite frankly, I don't want to relinquish my romantic idea of love.

Plus, given my track record with guys, I know that if I had a choice in who I liked, things would (have) play(ed) out a lot differently. Call me naïve if you will, but I guess I'll keep believing that the materialistic mayhem that is the month of February is at least partially celebrating something real.



SARAH HENSLEY

*Sexless In The City*

## THE 2004 GEORGE WASHINGTON AWARD

The Joint Committee of Faculty and Students is accepting nominees for the 28th Annual GW Award. Members of the GW community are encouraged to submit names of individuals who have made exceptional contributions to advance the University toward realization of one or more of the following objectives:

Utilization of the University's historical, geographical and functional relationship to the nation's capital and Washington, D.C. community;

Enhancement and development of students' abilities;

Provision of superior instruction and academic facilities;

Provision of a balanced program of student extracurricular activities;

Demonstration of exceptional competence, integrity and goodwill in the performance of University responsibilities.

To nominate or recommend an outstanding GW community member for the 2004 GW Award, send your nomination form and supporting documentation to the GW Award Selection Committee of the Joint Committee of Faculty and Students, c/o Associate Vice President and Dean of Students Office, Rice Hall, Suite 401.

The deadline for nominations is 5:00 p.m. on Friday, March 5, 2004.

To maintain the integrity of the GW award process, please make sure nomination forms, personal statements, credentials and letters of recommendation (no more than two) are placed in a sealed and confidential envelope.

Nomination forms and guidelines are available at the Student Activities Center, Marvin Center 427, and on the first floor lobbies of the Academic Center, Marvin Center and Rice Hall.

For details contact  
Associate Vice President and Dean of Students Office  
Rice Hall, Suite 401  
(202) 994-6710



## FEATURES

# A West Side Story in Stuart Hall

It's clear that this semester is already in high gear: Teachers are assigning 100 pages of reading for their next class; students still aren't reading it. The Westlaw printers have stacks of papers seven or eight feet high; John Lim still isn't sorting it. The vending machines seem to empty quicker than before. There is less laughter and more crying. Before you know it, all the people that are wearing the patch and high five-ing their friends saying, "Haven't smoked in 17 days, how you like that?" will be buying whole cartons of unfiltered 'Reds.'

In short: It's on.

But, that isn't all good. What I've really started to notice is the rival gang warfare between competing law school organizations. These disputes are nothing new. It seems harmless enough, but don't forget for one second that joining an organization IS a big deal.

In Law School – it's for life.

Whether you get beat in, born in, or simply sign up for the email "distro" – you can't get out. On the surface, it looks like these organizations care about education and "spreading their message."

deny that it's there. The scenario plays out simply enough. First one of the guys from Mock Trial trips the girl from Moot Court carrying her freshly printed appellant brief, knocking the poor woman to

the floor and embarrassing her in front of her peers. She sneers at the Mocker (attempting to 'mock' him

back) and then scurries off as she gathers her briefs. Once she reaches the Mooters, her tear-streaked face tells the story.

"It's those (insert explicative) Mock Trial kids," stammers the Mooters President. "Oh, they'll pay. They'll pay dearly. Mooters, lets FILE!"

At their next competition, the Mockers will see curse words inserted into their exhibits. The Mockers will hear a heckler yell out, "Objection, hearsay, dork" during the opening arguments. And it won't stop there: Extra Cheese pizzas will be delivered instead of cheese-free ones for those lactose intolerant folks, black suit pants will be substituted to clash with the navy colored suit, and witnesses will laugh uncontrollably from nitrous gas pumped into the courtroom. It only gets worse – they've obviously never seen the ending of "Boyz N the Hood."

ERIC KOESTER

## Badgering the Witness



The truth is that organizations such as the Federalist Society, Equal Justice Foundation, and even the St. Thomas More Society are fronts for rival law school gangs. Sure, it starts out with "Free Pizza" or "Listen to this Speaker," but don't be fooled: that's not where it ends; you should try the Kool-Aid. In reality, it is all about one thing: You are either with us or you are against us – kind of like the Skulls.

It didn't used to be this way. In fact, it started out with organizations that wanted to educate outside of the classroom. One day, however, the president of an unnamed organization thought, "Hey, we'd really increase our attendance if we brought in free pizza." Soon, the pizza was delivered, and with it, followers – legions of them. Oh, they'd come for the free pizza, but they left with a message.

This tactic angered rival organizations – it angered them good. So those organizations upped the ante and instead offered pizza and soda. Like Nuclear Proliferation, the escalation, unfortunately, never stopped.

You may not see it, but you can't

# Museums on the Mall

Somehow, tourists in DC for the weekend manage to get to every museum and memorial in the city; students living here for years visit every bar, but never set foot on the Mall. The Mall is NOT a shopping forum, but the two-mile-long area between the Lincoln Memorial and the Capital building which is home to museums housed in (mostly) Baroque-style buildings. Don't know what "Baroque" architecture is? Unfortunately, the Arts and Industries Building, where you could find out, is closed for renovation. But, there are many other world-class museums within 10-minutes walk from each other; and all within 30-minutes walk from campus. If you don't want to walk, I recommend NOT driving, as parking is impossible most of the time; the Smithsonian has a Metro station on the Blue/Orange lines. Admission is free to all of the Smithsonian museums, and most are open 364 days a year (closed on Christmas day).

When most people hear the word "museum" they only think of endless still-life paintings hanging in faceless room after faceless room. Very few of the Smithsonian museums fit that description – most have accessible exhibits geared towards a large audience. Below I'm only highlighting my favorites, otherwise this column would take up the whole newspaper. If you want more information on the other 9 Smithsonian museums, and they are well worth investigating, please go to <http://www.si.edu/museums/>.

The Air & Space Museum

If you don't visit this museum at some point while you're in town, you're crazy. Really. I mean, they've got airplanes hanging from the freakin' ceiling. Moon rocks. An IMAX theater. A planetarium. Pens that can write upside-down. OK, maybe not that last part, but this place is *mucho* cool – fascinating even if you don't like museums or outer space, or air, for that matter. Yes, as you can tell from the name, it demonstrates, through exhibits, the history of air and space travel as well as astronomy. Entrance is always free, but the IMAX and planetarium shows charge admission. Note – the new Udvar-Hazy center is out at Dulles airport and NOT metro accessible (there's a shuttle bus somewhere, but it takes 45

minutes each way); it's supposed to be awesome, but that's all I can say about it, since I haven't been there yet. <http://www.nasm.si.edu/>

Natural History Museum

This museum has an elephant in the lobby, a *whale* hanging from the ceiling, and the Hope Diamond – not to mention

one of the largest gemstone collections in the world and lots of dinosaur skeletons. And yes,

this one has an IMAX theater too. It's natural history – so where the Air & Space museum was the history of the 20<sup>th</sup> century, the Natural History museum is the history of the world – everything in nature is displayed here, from geology (lava and gemstones) to anthropology (e.g. African and Native American tribal culture) to extinct animals (Dodo birds). OK, I can't make it sound as cool as it really is, so why don't you go and see for yourself? <http://www.mnh.si.edu/>

The Freer and The Sackler Galleries

You practically trip over the Freer and the Sackler as you leave the Smithsonian metro stop. They both specialize in Asian art, and in fact have one of the most extensive collections in the world outside of Asia – art and artifacts from China, Japan, Korea, India, and the Middle East. They have art and paintings in the traditional sense, but they also have fantastic archeological collections – not clay pots disintegrating in cases, but fine gold jewelry and statues. These two museums are always mentioned together because they are connected underground and share a staff – they also share a website. [http://www.asia.si.edu/default\\_content.htm](http://www.asia.si.edu/default_content.htm)

National Museum of African Art

Right next to the Freer and the Sackler is the National Museum of African Art, which is big on hand-made *everything*. Furniture, dolls, ivory, statues; items from all over Africa and from all time periods reside here. The exhibit on West Africa before the English got their hands on it is brilliant. The museum isn't huge, which means there's less chance of getting visual indigestion. <http://www.nmafa.si.edu/NMAFAgen.htm>

but it could have been worse. The *Nota Bene* staff has had several vicious quarrels with the Law Journals that resulted in countless paper cuts and bruised egos. In a recent battle, the International Law Society faced off brandishing the flags of nations such as Hungary and Slovakia at heights higher than the U.S. flag when gang bangin' the American Constitution Society. And once, the Forensic Science Group and the IP club fought once, until each side realized the battle was too much like the high school science club and math club getting in a fight. It isn't pretty and it is not fun for anyone.

One of the worst battles looms with the rivalry between the Sharks and the Jets (The Environmental Law Club vs. The Corporate Law Gang). The Sharks have proven to be one of the most effective groups at getting the Vegetarians to start handing out their flyers. These devote followers are the type willing to scream out, "Aren't you going to recycle that or

do you just want to keep ruining Mother Earth?" at uncomfortable times. The Jets have countered with the building of the massive ice rink that resulted in the destruction of thousands of blades of grass and the habitat of several species of undergraduates. Word has it, Dean Johnson trying to cut off wireless access for the Jets as a punishment for that attack.

So fellow law students, I urge you to stand up to these terrible warlords and stop them from spreading their violent ways with free pizza and a message. It's time we all stood up to the head honchos and thought for ourselves.

Look for my new club this spring, 'NOAG' (New Organization Against Gangs) – we're serious and know how to dance like crazy. And if nothing else, I wish the Environmental Law Club and Corporate Law Group would stop line dancing against each other. We only need one "You Got Served" to make me feel uncomfortable.



## FEATURES

## Power Saving Tips

A few tips to help your notebook power last longer:

**"Standby" mode:** to save time, some people put their notebooks into "Standby" mode by shutting the cover, instead of shutting down completely. If you put your notebook on standby power is still draining from the battery, although very slowly. If the power was low to begin with, the battery may run out, and you'll have to reboot again anyway. So, if you are going to keep your computer off for a while, either shut it off completely, or plug it in so the battery can charge, instead of draining completely.

**Wireless Networking:** Wireless network cards are power hogs – they drain your battery much faster than normal. If you shut the card off or remove it when it's not being used, you'll be able to run your laptop off the battery for much longer. Many people have removable cards, but if you have an internal card, there are several ways to activate or deactivate the card:

To activate or deactivate the internal wireless card on most systems: go to the "Start Menu" and open the Control Panel. Open "Network Connections", and right-click the card (it will probably be labeled "Wireless Network Connection") – click "Disable" to turn off the card, or "Enable" to turn the card off.

Note: there are other ways to accomplish this, but not all cards or all systems work the same way.

**Powering down:** If you experience a "system freeze", your machine will still be draining power from the battery. On many machines, if you hold down the

power key for 15 seconds, the machine will shut off. This is only recommended for system freezes – it is the equivalent of yanking the battery out of your computer when it's unplugged. If possible, you should always shut down your computer normally by using the software shut down; it's easier on the hard drive and makes it less likely your work will be lost.

**Battery myths debunked:** you will (probably) not fry your battery if you leave it plugged in. There are 3 popular kinds of rechargeable battery, NiCD ("Ni-Cad"), NiMH, and Lithium Ion ("Li-ion"). The type of a battery will be printed on it some-

where. Ni-Cads have a problem: if you charge them before they are fully drained, or leave them plugged in all the time, they eventually lose the ability to store energy (a gross over-simplification, but who cares?).

Extremely ancient notebooks might have this kind of battery. NiMH batteries have this problem a lot less, almost unnoticeably, but they still shouldn't be plugged in for months at a time. Lithium Ion batteries, which all recent notebooks use, don't have this problem at all – in fact, the battery life will be slightly shortened if the batteries are constantly drained and recharged. In other words, if you have a computer bought in the last 2-3 years, you can probably leave it plugged in overnight (or all month), and not cause a problem with battery life. Over time, however, all rechargeable batteries lose the ability to hold a charge. The average life of batteries is 4 years.

Please note – the above only applies to laptops, not to other rechargeable devices, such as cell phones.

ELIZABETH AUSTERN  
*The Tech Junkie*

## Nanny O'Brien's

Right on the strip in Cleveland Park sits an Irish pub that is a cool microcosm of this fantastic section of town. A scant block's walk away from the Cleveland Park Metro stop on the red line, this bar is a notch above your typical DC Irish pub, and certainly worth the effort to get there.

O'Brien's genius lies in its ability to walk the razor's edge between

a dive bar and a hip joint. The bar area, which includes booths and tables, is a nice dark, wooden, smoky lair which grants a certain dirty anonymity that many of us crave. That is, if you want it to be that way. But O'Brien's is a bit of a chimera, in that people will leave you alone if you want, but are engaging if you so desire. Perhaps its best compared to a mood ring.

With that said, if you are in an amorous mood, O'Brien's is certainly a jewel in this city full of late-night sausage party watering holes. The women at O'Brien's aren't your run-of-the-mill Washington D.C. power-tripped career warriors who survive on a steady diet of nicotine, whiskey, and hate. They were just normal, yet professional, women. And ladies, you're in luck as well. Besides what appeared to be a fair amount

dudes hanging out, yours truly and my posse will be seen there from time to time.

Adding beautifully to this somewhat eclectic and fun aura is a back room with darts and a fire place, which attracts a loyal and regular motley, yet gregarious, crew. It wouldn't take much effort to get sucked into a few games of darts. But for Buddha's sake, if you suck, just keep to yourself.

Perhaps O'Brien's flagship, the feather-in-their-cap if you will, would be the two person Irish fiddle and guitar playing. Now as opposed to the places such as the Dubliner were the band is an attraction, at O'Brien's it's reduced to an accent: an accent perfectly placed. It is quite refreshing to sit and drink in a bar and be able to talk, meet, and greet to an Irish backdrop.

Apparently there is food as well, yet neither have I sampled nor heard of how it is. The bar offers a typical cornucopia of spirits and brews common enough not to warrant special discussion.

O'Brien's is located at 3319 Connecticut Ave NW, a block (maybe two) from the red line. When you come out of the Metro, walk due south.

TROY D. BYERS

*The Bar Review*

## Goodbye Ed Stevens

*Model Lawyer's Life Was His Art*

By BRANDON BRISCOE  
*Editor-in-Chief*

Not since the distinguished jurist Judge Henry Bone held court in Rome, Wisconsin has the world seen a finer lawyer than Ed Stevens of Stuckeyville – at least on television. The late Ray Walston's character on "Picket Fences" has faded into TV lore, and Tom Cavanagh's title character will do the same following last Friday's series finale of NBC's "Ed."

Ed became, in many respects, the model lawyer after a more typical, shaky start. He left New York when things didn't work out with his wife (he caught her with the mailman) or his firm (he forgot a \$1.6 million comma). He returned to his Midwestern hometown, restored its dilapidated bowling alley, and set up a small-town law practice inside.

Although NBC liked to pitch the four-year show as a love story between Ed and his high school crush, it was more often a story about a lawyer and his outlook on life. Ed knew what was good and just and right, and he pursued those ends in creative, bold ways.

As he explained at his wedding Friday, "I've always believed that life is divided into two parts - what is and what should be - and that with a lot of effort, some hard work, and maybe a little luck, there are moments in your life when the two parts touch, when what is and what should be are the same."

If there were ever a line to try out in a job interview, that's it.

"Ed" wasn't exactly ground-breaking television. Optimistic, good-hearted characters who seize each moment headline most shows, and the quirky, small-town premise is a staple of modern television programs like "Northern Exposure" and "Picket Fences."

But audiences eat this stuff up because the shows remind them of what their own, real lives are like – or should be like. And in Ed, legal practitioners saw a fellow lawyer who had managed to build the ideal legal career and life. For the weekly hour of "Ed," what is and what should be were the same for lawyers.

Here was a lawyer free from the traps and trappings of firms or the "traditional" routes law schools herd people toward. Ed made his living through something he loved – a bowling alley – but he still practiced law. He used it to do what so many thousands of law school applications emphasize but so few graduates pursue – helping people. No case was too small for Ed, who often helped clients with the most basic and practical of problems.

It might not be realistic for us all to own bowling alleys or art galleries or

other outlets of our passions, but in Ed we were reminded that we should love our job. And while few of us will, like Ed, use the law to save a community center or negotiate disputes between partners in a car antenna ornament business, the show reminded us that the goal of more complex, less mundane legal tasks is still ultimately to help people.

Ed also reminded us of the ideal of having a life outside work to which we devote no less passion and energy than

we do in the office or classroom. Only Ed would pursue love interests with suits of armor and trails of waffles or gather his friends to stomp grapes or break into a pool to "appease the aquatic gods," but real lawyers should have no less fun in their lives.

All of this is grotesquely cliché, and yet so many of us fail – and will fail – to take the themes to heart. We'll turn again and again to shows and characters like Ed – or books or

other false realities – to help make a vicarious reality what we know our lives should be.

What's worse, ours is a culture that is quickly rejecting this ideal reality of working hard in pursuit of making the best life possible for ourselves and those around us. "Ed" was consistently clobbered in the ratings game by reality shows that push instant fame and fortune, often as a reward for the worst behavior.

One need only watch dismissed "American Idol" contestants curse the judges with the apparent conviction that they were somehow entitled to win, entitled to become rich and famous at the drop of a hat.

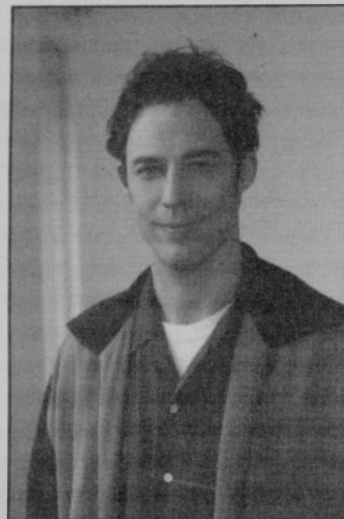
Surely, those of us in the legal world know that's not how

the world works - or should work. But we often don't do enough to bring about the more appealing reality of a world like Ed's.

It's likely that there will be future shows with the same stock character and same quirky town. It won't be a bowling alley lawyer in the Midwest or a crotchety judge in Wisconsin, but the theme will be the same and equally appealing even if there is no legal backdrop.

In fact, the producers of "Ed" who got their start on "The Late Show with David Letterman" are already working on another project. Watching those shows to come will hopefully remind us of Ed, but ultimately television and other entertainment will never be a sufficient force to create the reality we know should be. That's up to us and comes from within.

In a self-written epitaph, Ed wrote for his tombstone, "His life was his art." That is an appropriate reminder for us - life is more important than art. What we saw in "Ed" ought not be left to the realm of art and fantasy, but rather, we should aspire to bring about that ideal in our lives.



Tom Cavanagh starred as "Ed."

Photo courtesy NBC

*In a self-written epitaph, Ed wrote for his tombstone, "His life was his art."*



## OPINIONS

### A Little Lunar Lunacy

By MARCUS EHRLANDER  
Staff Writer

President Bush knew going into his State of the Union speech that he had a problem. Sure, approval ratings are high, and he's had remarkable successes over the last three years, pushing through the war in Afghanistan, the war in Iraq, unprecedented tax cuts, and even co-opted some of the Democratic agenda with his charade of a healthcare bill. The man has gotten more done in three years than most presidents can in eight. But here we are, the last State of the Union before the 2004 election, and Bush clearly has a problem: he has nothing left.

For the first time in recent history, there is simply no case to be made for another tax cut. Our deficit is larger than it has ever been, and domestic spending only continues to go up. And as people are beginning to understand the costs of our intervention in Iraq, the notion of moving on to the rest of the "axis of evil" seems less appealing every day.

As an official from the elder Bush's administration was quoted by Maureen Dowd, "These guys created the exact can of worms we tried to avoid. Guess what? Baghdad is ours." Things may change, but as of right now not many people want to take charge of Iran and North Korea too.

Even if we're not afraid of what Bush will do next, though, which many

of us are, Bush must now face the problem that there's no real case for keeping him in office. Americans may be grateful for what he did to finally take out Saddam, but that does not mean we want him for another four years. Even Winston Churchill, after saving Europe from the Nazis, was still thrown out of power by the British following the War, not because they didn't like him, but because his purpose had been served. And that was at a time when Churchill was wildly popular around the world.

George Bush, on the other hand, is the single most powerful reason why the entire world is so angry at us right now. Americans may broadly approve of what Bush has done in his first term, but an America looking out for its best interests won't reelect George Bush, bad cop. The U.S. can't possibly mend fences with Europe, Asia and the Middle East as long as Bush is in power.

That makes it harder to get UN help in Iraq, deal with trade partners, and puts us at risk if a crisis should arise. Maybe it took George Bush to go in and shake things up around the world, but we now need someone with the temperament, the know-how, and the clean slate to put things back together again. It's time to

bring the good cop in.

Bush certainly knows all of this. He knows his father lost after fighting a popular war. He knows that it took Jimmy Carter leaving office to get our hostages back from Iran. He knows that with tax cuts off the table, "No new taxes" is unlikely to work again, as our debt continues to skyrocket.

And he knows that, just like the Democrats can't win solely on convincing people that the Iraq war and the tax cuts were a bad idea -- without suggesting a better solution -- Bush can't win reelection just by campaigning on facts accomplished. Even if he's right. He is going to need

something new to sell to the American people, and he needs it fast.

This is also the likely reason that John Kerry is suddenly doing so much better than Howard Dean. Dean's old battle cry that Democrats will never beat the Republicans with "Bush-lite" suddenly seems false. There now appear easier and more likely ways of beating Bush than trying to revamp the political system.

John Kerry suddenly seems very attractive to Democrats, as a guy who can restore some stability to our nation, replacing the "cowboy" mentality with something more thought

through. Maybe a ponderous, presidential, professor-type is really what the country needs right now to patch things up. Indeed, polls now show that if Kerry faced Bush today, Kerry would win.

And Bush clearly knows it. He knew it going into the State of the Union. Why else would he have suddenly come up with the idea of sending another man to the moon? Only the Bush administration could come up with something so utterly substance-less in an attempt to rally voters.

Unfortunately, the plot was so quickly and harshly lampooned for the ridiculous and ill-timed farce that it is, that Bush couldn't even use it in his State of the Union speech. So instead, he talked about steroids. We need to declare war on the rampant steroid usage among athletes. And he reintroduced his perennial campaign issue, the faith based initiatives.

That, of course, is his bold plan to replace our separation of church and state with a new idea of "neutrality" toward government funding of religion. Its latest incarnation involves the introduction of "faith based" jails in Florida, by Bush's brother Jeb.

Unfortunately for me, I happen to agree that we should get rid of steroids. So next time I'll write about the faith based initiatives. Hopefully for the GOP, Republicans will have a better campaign issue by then.

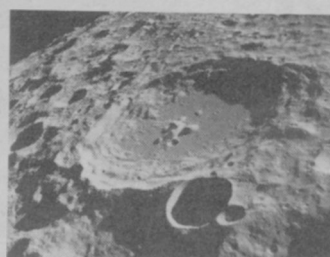


Photo courtesy NASA

## The Law School Forum: The Law of the Playground

Columnist discusses his experiences using the Law School's web forum

By GUALBERTO GARCIA JONES  
Staff Writer

It all started on Jan 22, 2004 at exactly 9:33:03 AM. Brian Moulton posted a message on the General Law School Forum (message # 1266) inviting his fellow students to think about the President's remarks about homosexual marriage in the State of the Union Address. In this message he voiced his opposition to the President's views and his frustrations, and invited students to engage in a debate about this.

That same day John Ward posted a short message listing a website that is opposed to gay marriage (message # 1271) saying only that it was in the interest of diversity that he posted it. The following morning Kenneth Kilgour, accused John of trying to stifle diversity (message # 1279), John Ward would not post any other messages attempting to introduce diversity of opinions to the debate.

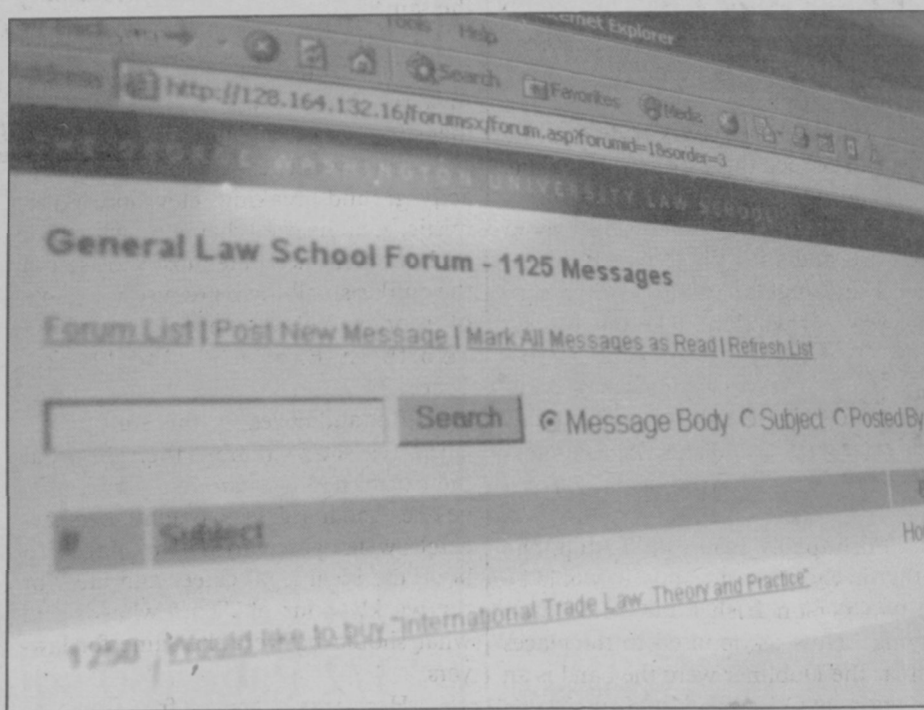
After several messages from people who didn't want to have a fiery debate, again Brian Moulton spoke up for Freedom of Speech, saying "We can't stop talking about it until we've achieved marriage equality." (message # 1282)

That's when I posted my first message (message #1283). In it I stated my belief in the current definition of marriage and also mentioned a shocking fact, namely that 80% of Catholic Priests' abuses were perpetrated against teenage boys, not on prepubescent boys, so that in fact the majority of the abuses were cases of homosexual abuse of boys, and not pedophilia like the media often mentions.

I fully realized that this wasn't a pleasant fact, but it was true and touched

the most significant players in this debate, The Catholic Church and homosexuals. Knowing how controversial this would be, I added a small disclaimer saying that I made no broad conclusions based on this fact, but that I thought it was an important fact to know.

of making up my sources. Michael Silver in a post titled "Enough of Mr. Jones" attacked me by mistakenly accusing me of equating pedophilia with homosexuality, of using "cheap rhetorical tricks," and of making "superficial, illogical, and sanctimonious arguments."



Staff/Nota Bene

Columnist decries the personal attacks contained in many posts on the web portal.

Here are some samples of postings people made in response to mine: Kenneth Kilgour made his wishes heard that the Catholic Church would decline, and Christina Suarez accused me of spouting homophobic rhetoric.

After another attempt at trying to explain why I think homosexual marriage is not desirable, here are some of the responses I met from some of my thoughtful colleagues. Alan Taborga accused me

Bradley Parr then attempted to insult my religion by referring to me as Pope Jones, and Pius XIII, and myself by stating that I am not able to love at all, and finally just suggests that I be ignored. Christina Suarez then baselessly accused me of believing that the children who were abused by Catholic priests were culpable because their abuse was homosexual in nature rather than pedophile, adding that these imaginary beliefs of

mine were truly ugly, baffling, and abhorrent.

After about another 100 postings, some of them substantive, but almost all riddled with personal attacks, I stopped. I stopped because I wasn't getting anywhere. I was no longer learning anything new or honing my arguments, and because my fellow classmates had descended to the debating level of calling me a "bad lawyer", and a "homophobe." I thought there was no further need to argue.

Because I have a pretty thick skin when it comes to standing by my religious and moral beliefs, the infantile insults didn't bother me very much. What did bother me was that when I stopped writing on the portal the same people who had said I should be ignored, the people who merely tried to insult me, and the people who said they didn't want to enter the argument because it was so controversial were suddenly praising the marketplace of ideas, and the victory of logic.

Because I am aware of the liberal indoctrination that characterizes most American education, I would expect that in a debate there would be a slight majority on the left hand side of the argument. However, when a debate so quickly degenerates to frustrated infantile personal insults, I can't help but think that academic inbreeding has so limited student's ability to argue that they cease to attack ideas and submit to the law of the playground.

On January 26, four days and 200 postings after the start of this debate, Ann O'Connel wrote, "The best test of truth is the power of the thought to get itself accepted in the competition of the market..." Then a few hours later she writes, "Gaulberto (sic) is a turkey."



## OPINIONS

## The Rise and Fall of Howard Dean

By NICK DIETZ  
Staff Writer

The moment Howard Dean became the "frontrunner" to win the Democratic nomination for President I got a sinking feeling in the pit of my stomach. It turned out to be the flu, but I was still very worried about the prospect of Dean being the Democratic nominee. Why? Because I want George W. Bush out of the White House more than anything and a Dean nomination would have ensured that Bush stayed in place, giving him another four years to alienate our few remaining allies, namely England, Australia, and Micronesia. I mean, he alienated Canada for God's sake! Canada!

Needless to say, I was filled with glee after Dean's crushing defeats in the Iowa caucuses and the New Hampshire primary. I was also very proud of the Democratic voters, many of whom actually preferred Dean, but realized he was un-electable and so voted for John Kerry. This is a sign of how much Democrats hate Bush. The 2004 election is not about whom they want as President, but whom they don't want: Bush.

If only the hippies who gave the 2000 election to Bush (no, I'm not talking about the Supreme Court, I'm referring to the hemp-shirt wearing, hacky-sack playing, bathing-optional, protest-for-the-sake-of-protesting morons who voted for Nader) had had even an ounce of the foresight that the current crop of voters is showing. The Nader-ites decided that Bush and Gore were the same, so they voted for Nader. The very people now shouting "No Blood for Oil" and "Bush is a War Criminal" are the ones who put Bush in office by voting for Nader—that is, if they took time out from protesting in 2000 to actually vote.

Howard Dean's supporters are, for the most part, former Nader-ites who see Dean as the anti-Bush, largely because Dean was against the Iraq War, actually solely because Dean was against the Iraq War. In fact, Dean is not the left-wing nut he has made himself out to be. His record as Governor of Vermont was that of a moderate, bordering on conservative.

However, being against the War gave Dean supporters, much in the same way it got Gerhard Schroeder re-elected in Germany, despite the fact that the German economy tanked under his watch. (After recovering from their Oktoberfest hangover, the Germans wish they could call a do-over, and Schroeder's approval ratings are abysmal.) Seeing that he was the only anti-war candidate (not counting Dennis Kucinich, whose campaign is really just a publicity stunt to show what Santa's elves do in the off-season), Dean decided to harp on this one plank in his platform over and over.

But in these times of orange alerts, suspicious packages, and surveillance chatter, most Democrats began to see that Bush could easily attack an anti-war candidate as being soft on national security. Democrats realized that Dean would lose to Bush badly; I'm talking Walter Mondale badly. Here's why: as much as I loathe Bush, if I had to choose between Bush and Dean, I would pick Bush. So too would many other Democrats. The evil you know is a safer bet than the evil



you don't, and I would much rather this country fight too many wars than too few.

Thankfully though, it does not appear that I will have to make the awful choice of Dean or Bush, because Dean is toast. Many Democratic voters have seen the light; the simple key to beating Bush is nominating someone who can beat him. By voting with their heads rather than their hearts, the voters have anointed John Kerry as their last best hope for victory. I still don't know if he can carry any southern states in the general election, but maybe if Bob Graham joins him on the ticket he can take the all-important state of Florida.

I am starting to sense something new in this great country of ours, the notion that we, the people can make a difference. The so-called "Stop Dean" movement is only the warm-up to the greater, cataclysmic "Stop Bush" movement, which is as widespread as any I have ever seen in the admittedly few years I've been covering politics.

The reason there were record turnouts in both Iowa and New Hampshire was because the people knew that a Dean win meant a Bush win. The brave people of those states, by the thousands, vowed that if Bush is re-elected in 2004, it would not be because they had handed him Howard Dean as an opponent.

Come November, I believe that there will be a voter turnout the likes of which this fair land has never seen. George W. Bush promised to be a "uniter, not a divider," and in a sense he has delivered on his promise; he has united millions of Americans, from the most conservative Democrat to the most liberal Nader-ite, in a relentless quest to defeat George W. Bush.

He has awakened the sleeping giant that is the American electorate and it now stands poised to unleash its fury upon him. His defeat is within reach; the people of Iowa and New Hampshire knew it. If Dean could be defeated, then maybe, just maybe, so too could Bush.

November is still a long way off, but the prospects of a Bush defeat seem much greater now than they did only a few weeks ago—when Dean was considered his likely opponent. But before the Democrats can set their sites on Bush, they must finish off Howard Dean once and for all.

Dean's ouster seems almost like a foregone conclusion now, but that is only because the landscape turned so dramatically after Iowa and New Hampshire.

The final nails in Dean's coffin may have been delivered on February 3, when Kerry captured Missouri, Arizona, New Mexico, Delaware, and North Dakota, while Dean failed to take a single state.

Kerry is not particularly charismatic; he does not seem to have many new ideas; and he looks like an extra from "Night of the Living Dead." But he is a decorated Vietnam War veteran, has been

elected to the Senate four times, and can pronounce important words like "nuclear."

The reason John Kerry has won 7 of the first 9 primary states and appears to be well on his way to the Democratic nomination is simple: He can beat George W. Bush. No one truly believed Howard Dean could beat Bush and that is why Kerry will move on, while Dean will become little more than a political footnote and possibly a speaker at future protest rallies.

### To Submit an Opinion

The *Nota Bene* invites readers' opinions. Letters to the Editor must be 300 words or fewer, signed, dated and include a graduation year or title. E-mail submissions to [notabene@law.gwu.edu](mailto:notabene@law.gwu.edu)

To write a longer opinion column, contact Opinions Editor Chris McClintock at [cmclintock@law.gwu.edu](mailto:cmclintock@law.gwu.edu)

*Nota Bene* reserves the right to edit all submissions for space, grammar, clarity and vulgarity.

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OPINIONS

Commencement Is Not About What's Said

The selection of Thomas Buerghenthal as the Commencement Speaker should be applauded. But he won't draw the biggest ovation at graduation.

Graduating law students are in for a treat this May when Judge Thomas Buerghenthal delivers the annual commencement address. Buerghenthal sits on the United Nations' International Court of Justice and formerly taught at the Law School as part of a long and distinguished career advocating for human rights.

And to think we were willing to settle for a lousy Supreme Court Justice.

Still, there are no doubt students who will be disappointed because Buerghenthal isn't a household name and might not raise eyebrows at first mention. Those students are welcome to skip the Law School ceremony and graduate with the rest of the University when the governor of Maryland – you know, what's-his-name – speaks.

There are only so many Supreme Court Justices – nine on most days – and we've more or less exhausted that list. Celebrities from the entertainment world might glitter, but they're rarely gold and with few exceptions would not lend the appropriate amount of gravitas to an event recognizing so much hard work and accomplishment.

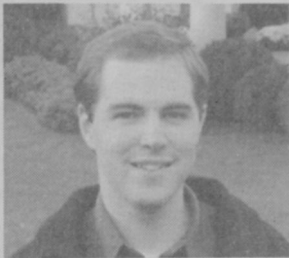
I like John Stewart, too, but Michael Jackson jokes are best enjoyed at the end of a long day, not at the beginning of so many remarkable careers.

Finding a graduation speaker in this town isn't as easy as it seems, either. In the past year alone Colin Powell, Madeleine Albright, President Bush and even – if you can believe it – Al Franken have spoken on campus, to name just a few of the many big names to visit GW.

About the only speaker left in the world who wouldn't seem mundane to someone is the Pope, and the recent web portal debates suggest even he would draw complaints despite his contribution to communism's demise, particularly in Poland.

The selection of Buerghenthal should be applauded. He has led a fascinating life and built a remarkable career dedicated to serving justice and teaching future generations of lawyers. He ought to have a few things to say worth listening to.

The fact that he is among the dwindling number of living witnesses to perhaps the most horrific injustice of the 20th century draws our attention. That he has used that experience as a springboard to a life of public service commands it.



BRANDON BRISCOE  
Ex Cathedra

I like John Stewart, too, but Michael Jackson jokes are best enjoyed at the end of a long day, not at the beginning of so many remarkable careers.



Thomas Buerghenthal

The process by which Buerghenthal was selected can't be assailed either. Students were asked for speaker suggestions, and those suggestions were considered. The Dean's office kept the members of the SBA's commencement committee fully informed of its progress in inviting Buerghenthal, which is all we can ask for, seeing as how the Dean keeps his little black book of celebrity phone numbers to himself.

But the best part of this story has nothing to do with commencement.

What's most amazing is that Buerghenthal taught at the Law School and has returned to visit classes since joining the ICJ. It's another reminder of the value of studying law in Washington and doing so at a school that can attract such talented and distinguished professors. Having Buerghenthal speak at commencement underscores this point to outside observers and gives

every graduating student an opportunity to share in the Law School's abundance of educational riches.

It will be a shame if the Law School nixes its own speaker-headlined ceremony next year as has been suggested as part of the proposal to move commencement to the same weekend as the at-large University event. Law students deserve a speaker like Buerghenthal whose record of accomplishment is a remarkable example that lends honor and dignity to the Law School and a ceremony commemorating a significant milestone in students' lives.

And that's important to remember. At the end of the day, who speaks is of little consequence. The event is about the school and its graduates, not about invited guests, no matter how famous or eloquent or supreme they might be. If you doubt that, just see who receives the most applause at graduation.

SIMPLE MATH

A	L	G	A		B	L	A	H		W	A	L	E	S
L	E	A	R		L	I	C	E		A	B	O	D	E
S	A	L	E		A	V	E	R		L	I	C	I	T
O	N	E	A	R	M	E	D	B		A	N	D	I	T
				O	E	R				D	U	E		
P	S	A	L	M	S		M	A	L	T		R	I	M
E	E	R	I	E		F	O	C	I		S	E	R	A
T	W	O	D	O	L	L	A	R	B	E	T	T	O	R
R	E	M	S		A	O	N	E		M	A	I	N	E
I	R	A		A	P	E	S			A	B	B	E	S
				A	R	E				A	G	E		
T	H	R	E	E	L	E	G	G	E	D	R	A	C	E
H	E	A	R	T		A	L	A	N		O	R	A	L
E	R	N	I	E		S	A	I	D		A	I	R	S
N	O	T	E	S		E	D	N	A		D	A	T	E

Board Editorial Portal Problems

The law school's web portal has gotten out of control, and it's time for some administrative action.

THE GEORGE WASHINGTON UNIVERSITY LAW SCHOOL

General Law School Forum - 1499 Messages

[Forum List](#) | [Post New Message](#) | [Mark All Messages as Read](#) | [Refresh List](#)

☒ Message Body ☐ Subject

#	Subject	Posted By	Date Posted	Read
1624	Re: Portal Problems	Bene, Nota	2/7/2004 4:19:25 PM	•

Responding to the previous post that was completely devoid of anything even remotely resembling logic or reason, and which was laced with uncalled for personal attacks by its author, who is obviously a mentally deficient, morally bankrupt degenerate, we at the Nota Bene feel the need to take a stand.

first of all, can someone please clear out the old messages on the public forum, so that the server doesn't time out when you try to mark all as read? we don't actually want to have to open the depraved ravings of our "colleagues" who dare to disagree with our obviously superior point of view. :P

That would be the least portal administrators (read: morons) could do to improve an otherwise useful system. Is this too much to ask? I mean, even the Pope cleans out his web forum once a week as is prescribed by Leviticus 19:17 and reiterated by the Second Vatican Council.

And while we're at it, how about a new forum, one for debates and Gualberto Garcia-Jones-bashing, and another for things that are actually worthwhile, like apartment notices and book sales and lost laptop power cords. The current public forum is so cluttered with raging debates that its practical purpose is no longer served.

And students, can you please show a modicum of respect and decency when making posts. We're not asking you to accept arguments that you find repugnant. But if you feel the need to respond, then respond to it, not the poster - idiots!

And the whole homeless person discussion - for crying out loud! It's nice that you're privileged enough to be able to pick and choose your favorite or least favorite homeless person. Meanwhile, they have to debate over their favorite warm grate on a cold winter night. There's no way to defend that string of posts.

and whoever suggested evening students are wanna-be day students should try working TWO full-time jobs, while raising 17 kids and studying and taking two classes AND LRW! all while trying to plan a nice spring break to hawaii. that comment was uncalled for, too!

and cuba? who cares?

and DeSouza, just shut your mouth. We don't want any smart-assed response to our posting. no one thinks you're funny. in fact, i'm sure many people will agree with me when i say you're the one person Allah doesn't love.

We appreciate the discussion that takes place in this forum, but there's a line that people should learn not to cross. Some of the postings in recent weeks have crossed the line that should have been learned back in, say, kindergarten. We have studies and statistics to back this up.

And because it's worth repeating, we remind you of Professor Kerr's words of wisdom: That advertising criminal conspiracies on the web portal of a law school is not a particularly bright idea. (But we do want to join that poster's MP3 swapping ring.)

A lot of good arguments are lost in the din of insults and meandering rants. Not to mention that only, like, one percent of the student body reads the portal. Meanwhile, no one wrote a letter to the Editor this issue. Why not highlight your argument in a more visible space, read by five percent of the students? We'll even edit out your mistakes.

Voltaire once said "I may not agree with what you say, but I will defend to the death your right to say it." The philosophy on the web portal seems closer to "I don't agree with what you say, so I'm going to kill you." This is an attitude that needs to be adjusted.

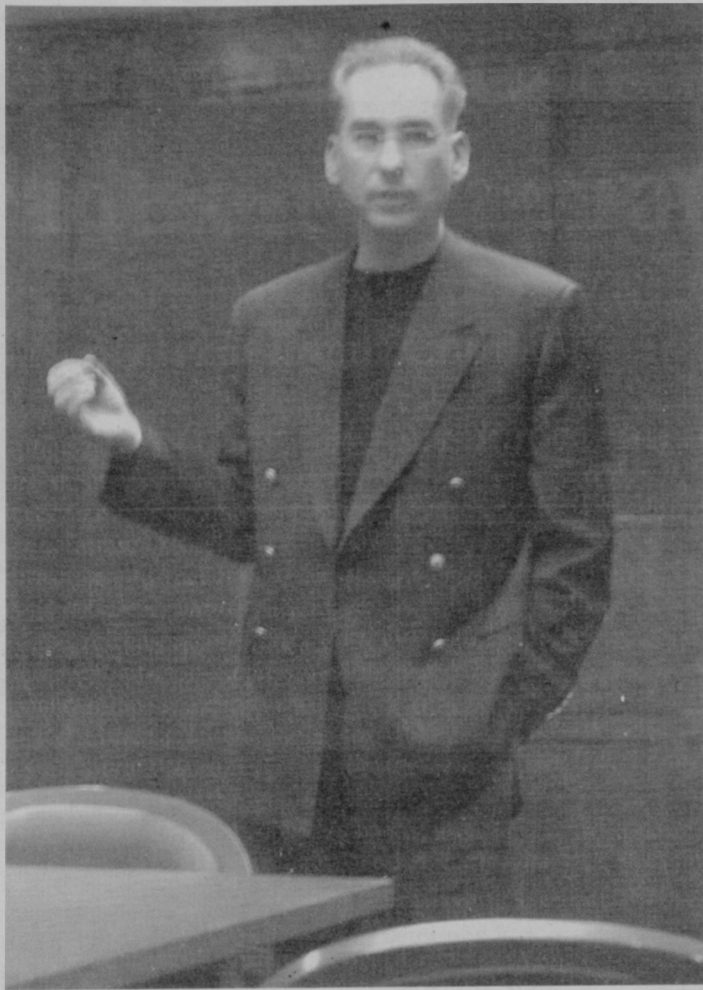
The Administration should clean out the old messages. And the students should clean up the new ones. We hope that our foray onto the web portal will spark a useful debate that is insult free.

The Nota Bene Editorial Board



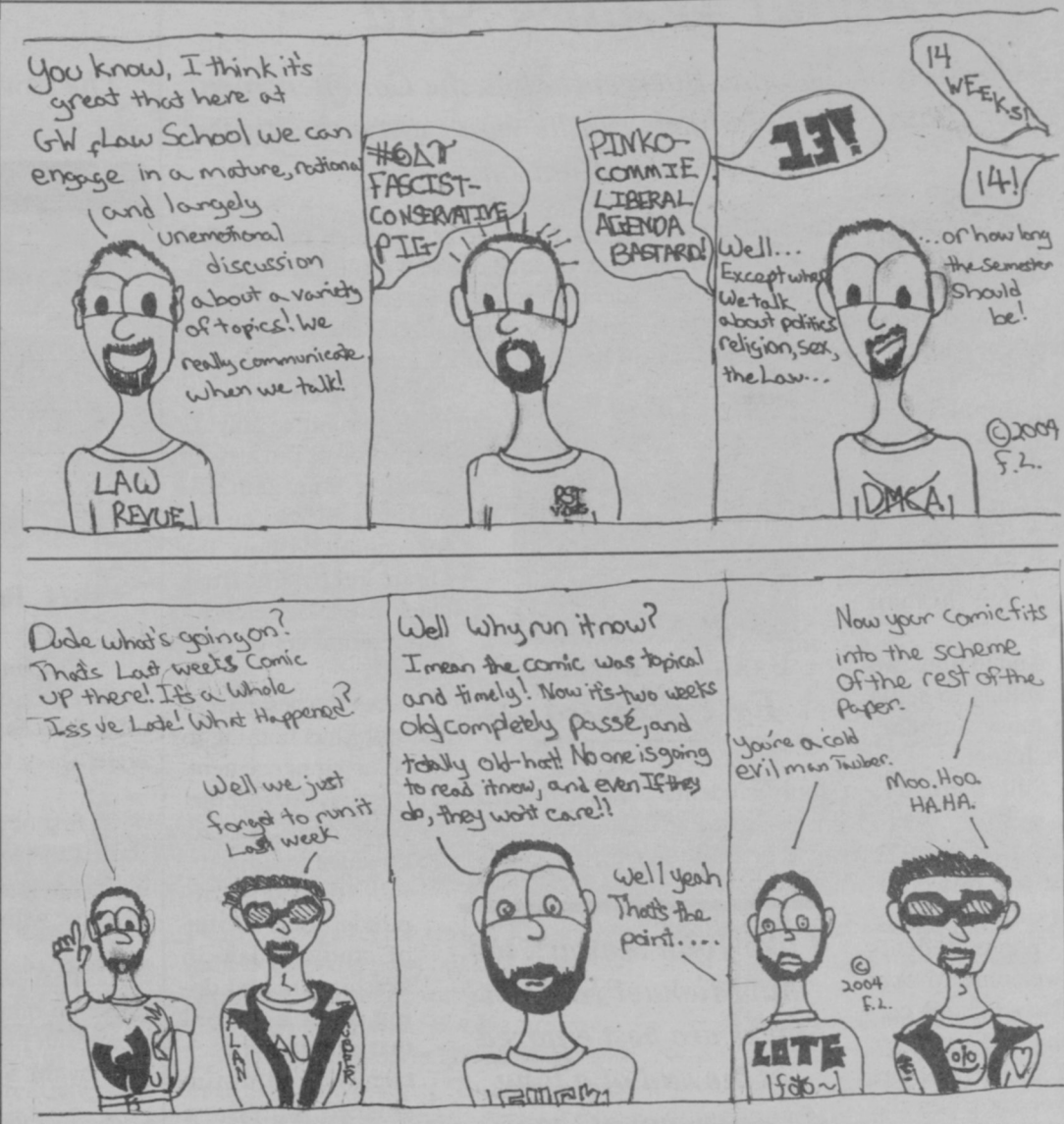
# ODDS AND ENDS

## Ninth Amendment Scholar Speaks



Professor Randy Barnett of the Boston University School of Law speaks at GW about his new book "Restoring the Lost Constitution." Barnett is a leading expert on the meaning of the Ninth Amendment.

## The Soft Lounge by Frank Lattuca



## Crossword 101

By Ed Canty

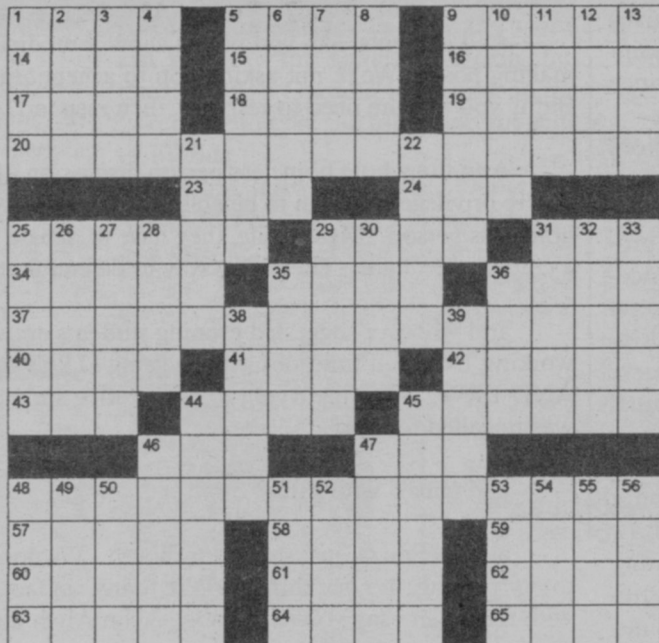
### Simple Math

#### Across

- 1 Seaweed, e.g.
- 5 Feeling of discomfort
- 9 Cardiff's locale
- 14 Shakespeare's king
- 15 Parasites
- 16 Residence
- 17 Garage event
- 18 Swear
- 19 Lawful
- 20 Vegas sights
- 23 Poet's beyond
- 24 Be in debt
- 25 Old Testament Book
- 29 Brewer's grain
- 31 Edge
- 34 Spooky
- 35 Points of convergence
- 36 Plasmas
- 37 Pimlico sight
- 40 Dreaming stages
- 41 Tiptop
- 42 Pine Tree State
- 43 Roth for one
- 44 Copies
- 45 Mother Superior
- 46 Exist
- 47 Mature
- 48 Picnic sight
- 57 Playing card
- 58 Shepard for one
- 59 Unwritten
- 60 Bert's friend
- 61 Articulated
- 62 Broadcasts
- 63 IOUs
- 64 Ms. Ferber
- 65 Go steady

#### Down

- 1 Likewise
- 2 Thin
- 3 NFL player Sayers
- 4 Neighborhood
- 5 Accuses
- 6 Internal organ



- 7 Passed easily
- 8 Trumpeter Alpert
- 9 Dark brown wood
- 10 Wait patiently
- 11 Scenes
- 12 Blue-pencil
- 13 Dramatic scenes
- 21 Shakespeare's tragic lover
- 22 Spontaneous
- 25 \_\_\_\_\_ dish
- 26 Waste pipe
- 27 Scent
- 28 Bowlers, e.g.
- 29 Mournful cries
- 30 Real estate unit
- 31 Secure again
- 32 Golf clubs
- 33 Barnyard Moms
- 35 Ice mass
- 36 Knife
- 38 Coat part
- 39 Set deeply
- 44 Ridges
- 45 Meeting plan
- 46 Lofty nest
- 47 Once more
- 48 At that time
- 49 Grinder
- 50 Talk wildly
- 51 Alleviate
- 52 Container manufacturer
- 53 Precedes block or hog
- 54 Opera solo
- 55 Haul
- 56 Different

#### Quotable Quote

God does not care about our mathematical difficulties. He integrates empirically.

... Albert Einstein

Answer on page 15

## Horoscopes

**Aquarius:** (Jan. 20—Feb. 18)

Your bid for SBA President will be thwarted when you actually try to campaign.

**Pisces:** (Feb. 19—March 20)

You will be one of five people who show up for the make-up classes.

**Aries:** (March 21—April 19)

After six months of this weather, what's another six weeks?

**Taurus:** (April. 20—May 20)

Your disappointment about the commencement speaker will be overshadowed by your disappointing failure to graduate.

**Gemini:** (May 21—June 21)

The hour you can't remember from Barrister's Ball will come back to your memory, but you won't like what you see.

**Cancer:** (June 22—July 22)

Your wardrobe malfunction will be caught on surveillance tape and replayed for weeks by security guards.

**Leo:** (July 23—Aug. 22)

Don't spend much on a Valentine's present - you're getting dumped on Wednesday.

**Virgo:** (Aug. 23—Sept. 22)

Cheer up. You might be alone this Valentine's Day, but next year you'll be alone *and* unemployed.

**Libra:** (Sept. 23—Oct. 23)

You will realize that although you spent \$400 on books this semester, your professors are assigning only \$50 worth of reading.

**Scorpio:** (Oct. 24—Nov. 21)

You will curse the webmail system eight times this week.

**Sagittarius:** (Nov. 22—Dec. 21)

You will be made Editor-in-Chief of your journal. Sucker.

**Capricorn:** (Dec. 22—Jan. 19)

You will receive 4 candy-grams this week. It's time to start thinking about a restraining order.